

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action
	)	No. 09-10017-GAO
	)	
TAREK MEHANNA,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

DAY EIGHTEEN  
JURY TRIAL

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Friday, November 18, 2011  
9:09 a.m.

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Cheryl Dahlstrom, RMR, CRR  
Official Court Reporters  
John J. Moakley U.S. Courthouse  
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Mechanical Steno - Computer-Aided Transcript

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I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>WITNESSES FOR THE</u>				
<u>GOVERNMENT:</u>				
DANIEL J. MALDONADO, resumed				
By Mr. Groharing	4			
By Ms. Bassil		63		

E X H I B I T S

<u>GOVERNMENT'S</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>IN EVD.</u>
No. 452A	Photograph of Omar Hamammi		19

1 (The following proceedings were held in open court  
2 before the Honorable George A. O'Toole, Jr., United States  
3 District Judge, United States District Court, District of  
4 Massachusetts, at the John J. Moakley United States Courthouse,  
5 One Courthouse Way, Boston, Massachusetts, on November 18,  
6 2011.

7 The defendant, Tarek Mehanna, is present with counsel.  
8 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn  
9 are present, along with Jeffrey D. Groharing, Trial Attorney,  
10 U.S. Department of Justice, National Security Division.)

11 THE CLERK: All rise for the Court and the jury.

12 (The Court and jury enter the courtroom at 9:09 a.m.)

13 THE CLERK: Please be seated.

14 THE COURT: Good morning, jurors.

15 THE JURORS: Good morning.

16 THE COURT: Mr. Groharing, you may go ahead.

17 MR. GROHARING: Thank you, your Honor.

18 DANIEL J. MALDONADO, resumed

19 CONTINUED DIRECT EXAMINATION

00:00 20 BY MR. GROHARING:

21 Q. Mr. Maldonado, when we left off you were talking about  
22 Kareem Abuzahra and a meeting you had with him where he asked  
23 you to find weapons, if possible. After that meeting, did you  
24 interact much with him?

25 A. Not much.

1 Q. How did he act around you after that meeting?

2 A. I actually became suspicious that he was either  
3 cooperating with law enforcement or had been in touch with law  
4 enforcement because he tended to stay away from me and the  
5 group.

6 Q. What in particular did he do to make you suspicious, if  
7 you can recall?

8 A. As I recall, for instance, in the mosque on Friday, if I  
9 seen him, he would -- I would just try to stop and say  
00:01 10 "asalamualikum," and he would just say "asalamualikum" and run  
11 away, which was very strange.

12 Q. At some point did you learn that he had traveled with the  
13 defendant on the trip -- attempting to go to Yemen with the  
14 defendant?

15 A. Yes.

16 Q. What was your reaction when you learned about that?

17 MS. BASSIL: Objection.

18 THE COURT: Sustained.

19 BY MR. GROHARING:

00:01 20 Q. Were you surprised to learn that he had traveled with the  
21 defendant?

22 MS. BASSIL: Objection.

23 THE COURT: I'll allow that.

24 THE WITNESS: Was I surprised? Actually, yes, I was.

25 BY MR. GROHARING:

1 Q. Why is that?

2 A. Because I wasn't told about that.

3 Q. Why did it surprise you that you weren't told?

4 MS. BASSIL: Objection.

5 THE COURT: Overruled.

6 THE WITNESS: Because I felt there was a sense of  
7 trust amongst us. So I wouldn't -- I didn't really understand  
8 why it would be kept from me.

9 BY MR. GROHARING:

00:02 10 Q. Did you confront the defendant or Mr. Abousamra about that  
11 at any point?

12 A. To my recollection, to be honest with you, I don't really  
13 recall at this moment whether I did or not. I think I might  
14 have and we spoke about it, but I don't really remember the  
15 details.

16 Q. Did you resent the fact that you weren't asked to go on  
17 the trip?

18 A. I wouldn't say "resent." I was a little disappointed I  
19 wasn't asked to go on the trip, but I don't think I would have  
00:03 20 anyways at the time because of my family.

21 Q. Okay. Now, at some point did you move away from New  
22 England?

23 A. Yes, I did.

24 Q. Why is that?

25 A. Well, I had been looking for work. I had started my own

1 company online, and it wasn't really providing me and my family  
2 with enough money to live off of. And I was offered a job by  
3 Sas Jamal to work online for an Islamic website called "Islamic  
4 Network," and it was based in Houston.

5 Q. All right. And is this the same Saif Ismal that was  
6 present for the meeting where you met the defendant?

7 A. Yes.

8 Q. What did you do for Islamic Network?

9 A. Well, a bunch of tasks such as uploading files,  
00:04 10 downloading files, moderating forums, compiling -- how could I  
11 say -- making my own type of transcripts of things and advices  
12 for the day, such things like that.

13 Q. You mentioned a web forum. What's a web forum?

14 A. A web forum? It's -- a web forum is like a message board.  
15 You can post what they call a thread on general discussion or  
16 in different forums. It has, maybe, topics, and you can post  
17 something about that topic and people can reply, whether in an  
18 hour, in a day, two weeks.

19 Q. What were your duties as a moderator on a web forum?

00:05 20 A. My duties were if anybody had any problems with their  
21 accounts, they'd refer to me, I'd refer it to the right people  
22 such as Saif or somebody else, or if there's something on the  
23 forum where people may be using foul language or being  
24 disrespectful, I can give them a shot, a "shot" being telling  
25 them they'll lose their account if they do it again.

1 Q. And were you able to control the content on the web forum?

2 A. Yes.

3 Q. Did you have occasion to do that when you were working for  
4 the Islamic Network?

5 A. Yes.

6 Q. Can you think of any examples?

7 A. Where I was able to control the content?

8 Q. Were there any particular posts that you thought were  
9 inappropriate for the web forum?

00:05 10 A. Yes. There was one particular man who wasn't Muslim who  
11 was ranting some anti-Islamic rhetoric, and he started posting  
12 pornography. So I woke up in the morning with plenty of  
13 email -- personal messages, like emails, telling me to please  
14 fix it. So I had to go in and fix it.

15 Q. Now, how long did you perform these duties for Saif Ismal  
16 in Houston?

17 A. About a year, maybe a year and two months.

18 Q. I'm sorry?

19 A. About a year and two months, maybe, give or take.

00:06 20 Q. And did you continue to work for him after that point?

21 A. Yes.

22 Q. In what capacity?

23 A. Well, when I was in Houston, those were the tasks that I  
24 was given. After some time my living wasn't doing so well off  
25 the money I was making, and Saif knew that I always wanted to



1 move overseas. So the idea came up that you can live extremely  
2 cheap in Egypt off of American money. So since the job I was  
3 doing wasn't required just in an office, it can be done  
4 remotely, he said he would pay for my trip, as well as my  
5 family, to go to Egypt if I desired to go.

6 Q. Did you decide to go to Egypt?

7 A. Yes.

8 Q. And did you move there with your family?

9 A. Yes, I did.

00:07 10 Q. And at this point who was your family?

11 A. My wife Tamekia Lashon (ph) Cunningham, my son [REDACTED]  
12 my daughter [REDACTED], and my wife happened to be pregnant.

13 Q. And do you recall when you moved to Egypt?

14 A. Around November 2005.

15 Q. When you had -- when you moved to Houston and then Egypt,  
16 did you remain in contact with the defendant?

17 A. Yes, I did.

18 Q. How did you remain in contact with him?

19 A. Through emails, MSN Messenger.

00:08 20 MR. GROHARING: Would you pull up 639, please.

21 Your Honor, I would ask that 639 be displayed for the  
22 jury. It's been admitted into evidence.

23 THE COURT: All right.

24 BY MR. GROHARING:

25 Q. Mr. Maldonado, are you familiar with the email address

1 ibnul\_khattab82@yahoo.com?

2 A. Yes.

3 Q. Whose email address is that?

4 A. Tarek's.

5 Q. And did you communicate with him using that email address?

6 A. Yes.

7 Q. Is this document that I'm showing you a chat that you had  
8 with the defendant on April 12th, 2006?

9 A. Yes.

00:09 10 Q. And could you please read the portions of the chat that  
11 are -- that you posted under "Dan," and I'll read the  
12 defendant's responses?

13 A. Yes. "'Cause I got some news for you. Trust me akhi,  
14 brother." And then I say --

15 Q. Is there another line after that?

16 A. Oh, forgive me. "You want to know what I have to tell  
17 you."

18 Q. "Peace, the mercy and blessings of Allah be upon you. I  
19 have to go in a few minutes to school but" --

00:10 20 A. "Okay."

21 Q. -- "what's up?"

22 A. "I went to that place. They called me" --

23 Q. Now, here when you're referring to "that place," what did  
24 you mean?

25 A. I went to the offices of what's known as amn dawla in

1 Egypt.

2 Q. And what's the amn dawla? And could you please spell that  
3 for the court reporter?

4 A. It's A-M-N-I-D-A-W-A-L-A, [sic] transliteration.

5 Q. And what is the amn dawla?

6 A. It's like the secret police, like state police of Egypt.

7 Q. Okay. And the conversation continues. "Yeah."

8 A. -- "and asked me to come. Hours of questions. And they  
9 had a lot about you for some strange reason."

00:11 10 Q. And here when you say "they had a lot about you," who are  
11 you referring to?

12 A. Tarek.

13 Q. He responds with a series of question marks.

14 A. "They had your name. They asked where you work. They  
15 asked what was my relation to you."

16 Q. "Nice to know I'm so loved."

17 A. "They asked if you met me in Egypt. They asked if you  
18 call me."

19 MR. GROHARING: Next page, please?

00:11 20 Q. "Did they mention why I was of interest?"

21 A. You happened to not blow this up for me so it's very  
22 small. I can barely read it.

23 MR. GROHARING: Maybe we can take it in halves, if you  
24 could go back to it.

25 Q. "Did they mention why I was of interest?"

1 A. "They asked if you email me. No."

2 Q. "Did they ask about anyone else?"

3 A. "Someone I don't know. Someone named Tariq something  
4 something."

5 Q. "Al-Daour?"

6 A. "I think."

7 Q. "That's Abut Dujanah."

8 A. "You know what, akhi, brother? I don't even want to know.  
9 I don't know that brother from a hole in the wall."

00:12 10 Q. "Ah, well. I think" --

11 A. "I am now under the big watch just 'cause I know you."

12 Q. "Sorry for the trouble, man."

13 A. "Who you know is none of my business."

14 Q. "I don't 'know' anyone, brother."

15 A. "Al humdulillah," translation, "praise be to Allah."  
16 "Don't worry. I just told them the truth."

17 Q. "Well" --

18 A. "I am friends with you."

19 Q. -- "honestly, by Allah, there is nothing to hide."

00:13 20 A. "And I don't know that brother at all."

21 Q. "You want me to tell you" --

22 A. "No."

23 Q. -- "why they might being asking these" --

24 A. "No, I don't want to know" --

25 Q. "Well" --

1 A. -- "at all. Nothing."

2 Q. -- "there is nothing of any danger. But okay."

3 A. "Then there is nothing to worry about. But I will tell  
4 you this: As much as I want to see you, you might want to  
5 rethink coming this summer."

6 Q. "Well, the problem is not with me, per se."

7 A. "Well, they are interested in you" --

8 MR. GROHARING: Next page, please.

9 A. -- "a lot. 'Cause they wanted to know a lot about you and  
00:14 10 they seemed to want to slip me up" --

11 Q. "How so?"

12 A. -- "as if I was not telling the truth. Well, they asked  
13 where you work, they asked how I know you, and then they would  
14 ask the same questions again in a different way."

15 Q. "Hehe. Yeah, they do that."

16 A. "Bro."

17 Q. "Were they nice or rough?"

18 A. "Bad cop/good cop. Two guys."

19 Q. "At least there wasn't a good cop. There usually isn't."

00:14 20 A. "You know, one nice, one not so nice. They then showed me  
21 a pic of some white guy and asked if I knew him."

22 Q. "Heh. Well, give them my phone number if they call  
23 again."

24 A. "Are you for real?"

25 Q. "Well, yeah. I can explain everything to them."

1 A. "Okay. I will. Insha'Allah, Allah willing."

2 Q. "You can even tell them" --

3 A. "That way you have no trouble if you come" --

4 Q. -- "when I'm arriving in Egypt and where, et cetera."

5 A. -- "'cause I know you are not doing anything wrong."

6 Q. "And they can come over for some tea and biscuits.

7 Brother, between me and you, I swear" --

8 MR. GROHARING: Next page, please?

9 Q. "I swear, there is nothing. But like I'm saying" --

00:15 10 A. "I know" --

11 Q. -- "I know why they might be asking."

12 A. -- "but I would rather not know any details."

13 Q. "Yeah. But rest assured. Okay, brother. I got to go to  
14 school."

15 A. "Akhi, brother" --

16 Q. "Peace be upon you."

17 A. -- "just remember" --

18 Q. "And I'm sorry for the trouble, man."

19 A. -- "I would like not to get a cop trying to get" --

00:16 20 Q. You can stop reading there.

21 A. Yeah, thank you.

22 MR. GROHARING: Can I have Exhibit 637, please? Page  
23 3, please?

24 Q. Are you familiar with the screen name Sayf Masloul?

25 A. Yes.

1 Q. Whose screen name was that?

2 A. Tarek's.

3 Q. And is this a chat between you and the defendant?

4 A. Yes.

5 Q. Does he say, "Any more trouble from the mukhabarat,  
6 intelligence?" What is the mukhabarat?

7 A. In this case, it would be no different from the amn dawla.

8 Q. Okay. It's a term used for the amn dawla? Can you please  
9 indicate how you responded?

00:17 10 A. "Insha'Allah, Allah willing, you will be here for  
11 Summayah. No, wal humdulillah, praise be to Allah, but I will.  
12 I am sure of it."

13 Q. "Heh. So will I."

14 MR. GROHARING: Exhibit 639, please? I'm sorry. 638.  
15 And page 3 -- sorry -- page 2.

16 Q. Is this another chat between you and the defendant?

17 A. "I told Yousuf Khattab he must visit you, Ahmad and Daniel  
18 and Abdul Ma jihad. He is in New York."

19 Q. Who is Yousuf Khattab?

00:18 20 A. Yousuf Khattab is a Jewish individual who was living in  
21 the area of Jerusalem. And he had converted to Islam and he  
22 had made quite a name on the internet as well as loose  
23 stations.

24 Q. How so?

25 A. He was very outspoken as far as, like, bombings or such

1 things that go on in Palestine and Israel, and, therefore, a  
2 lot of loose stations would ask him a lot of questions.

3 Q. Well, is he someone that you discussed with the defendant?

4 A. Yes.

5 Q. And what were his views, generally, on these matters?

6 A. Yousuf Khattab or --

7 Q. Yousuf Khattab.

8 A. About suicide bombings and stuff?

9 Q. Sure.

00:19 10 A. He was very supportive of them.

11 Q. And the defendant then responds, "Yeah, I heard. Although  
12 it might be best not to meet him considering Bob, et cetera."

13 You testified before about codes you used with the  
14 defendant. Is this an example of a code you used?

15 A. Usually it was Brian, but I just figured he might have  
16 forgotten, called "Brian" "Bob," and "Brian" meaning the FBI.  
17 So I just figured "Bob" was "Brian."

18 Q. And in this context did you take it to mean the FBI?

19 A. Yes.

00:20 20 MR. GROHARING: Exhibit 640, please?

21 Q. And is this another chat between you and the defendant?

22 A. Yes.

23 Q. Would you please read the portion attributed to you?

24 A. "Akhi, brother, did you see the answer on IN," that  
25 meaning Islamic Network, "that Sheikh Isaam gave" --



1 Q. "Laugh out loud."

2 A. I thought "laugh out loud" was me.

3 -- "about the apostates?"

4 Q. What's an apostate?

5 A. Someone who has left the religion of Islam, either  
6 willfully or through certain statements or actions -- willful  
7 statements or actions.

8 Q. Did you discuss the concept of apostate with the  
9 defendant?

00:21 10 A. Yes.

11 Q. What did he say about apostates?

12 A. Apostates? Basically, we both confirmed what the religion  
13 said about apostates from the books. The apostates are not to  
14 be spoken to and, in the end, the apostates are supposed to be  
15 killed.

16 Q. And do you recall the defendant specifically talking about  
17 the fact that apostates should be killed?

18 A. I don't recall a specific instance. Not to my knowledge,  
19 at least. But I know that we both agreed on such things.

00:22 20 Q. Based on your conversations with him, did he have an  
21 opinion about whether apostates should be killed?

22 A. Yes.

23 Q. And what was that opinion?

24 A. That they should be killed, pretty much.

25 Q. Okay. The defendant then says, "Link me."

1 A. "Okay. One sec. Oh, by the way, that brother Al  
2 Mizzi" --

3 Q. Now. When you refer to "Al Mizzi," who are you referring  
4 to?

5 A. Omar al-Hamammi.

6 Q. And who was Omar Hamammi?

7 A. Omar al-Hamammi is half white/half Syrian. He grew up in  
8 Alabama. He happened to be living in Egypt. And he's the  
9 gentleman that happened to go make plans with me to leave to  
00:23 10 Somalia.

11 MR. GROHARING: Your Honor, could I please display  
12 Exhibit 452A for the witness only, please? I don't believe  
13 it's been offered --

14 THE COURT: That's the still picture, right?

15 MR. GROHARING: Yes, your Honor.

16 THE COURT: Okay.

17 MS. BASSIL: Subject to --

18 THE COURT: I'm sorry. Just for the witness?

19 MR. GROHARING: Just for the witness.

00:23 20 MS. BASSIL: Subject to what we had discussed earlier.

21 THE COURT: Yes. Noted.

22 BY MR. GROHARING:

23 Q. Do you recognize the person in that photo?

24 A. Yes.

25 Q. Who is it?

1 A. Omar Hamammi.

2 MR. GROHARING: Your Honor, at this point I would like  
3 the exhibit admitted and displayed for the jury.

4 THE COURT: All right. I'll admit it.

5 (Government Exhibit No. 452A received into evidence.)

6 BY MR. GROHARING:

7 Q. I cut you off. You were explaining your relationship with  
8 Omar Hamammi.

9 A. Yes. We both had made plans to go to Somalia once --

00:24 10 MR. GROHARING: I'm sorry. Excuse me, your Honor. I  
11 don't think the exhibit has been displayed.

12 THE COURT: Do you have it now?

13 THE JURORS: No.

14 THE COURT: I'll do it again. Get it? No? Yes?

15 Okay.

16 BY MR. GROHARING:

17 Q. Please continue.

18 A. Me and Omar both made plans to go to Somalia if the  
19 Islamic Courts Union would take Mogadishu, in which they did.

00:24 20 Q. And when did you make these plans?

21 A. While I lived in Egypt. I believe around -- maybe 2006.

22 Q. Now, I'll come back a little later and talk more about  
23 Mr. Hamammi, but I want to ask you about another chat you had  
24 with the defendant first -- or actually, finish up on the chat  
25 we were talking about first.

1 MR. GROHARING: If we could pull up the previous  
2 exhibit.

3 Q. Okay. And you had identified Omar Hamammi at this point.  
4 The defendant responds, "Yeah?"

5 A. "Who wrote the articles for the salafis who sit."

6 Q. Are you familiar with that article?

7 A. I remember the gist of it; not the detail.

8 Q. What was the gist of the article?

9 A. Basically, the article from what I --

00:26 10 MS. BASSIL: Objection, your Honor. Hearsay.

11 THE COURT: Overruled.

12 Go ahead.

13 BY MR. GROHARING:

14 Q. Please continue.

15 A. The article, from what I can recall, was basically about  
16 the differences between what we consider Madkhali or Saudi  
17 Salafis.

18 Q. Let me back you up. You used the term "Madkhali." Can  
19 you please spell that for the court reporter?

00:26 20 A. It's difficult. M-A-D-K-H-A-L-I.

21 Q. And what is a Madkhali?

22 A. It's one of the many versions of what we call salafi,  
23 salafi being somebody who refers to -- as far as a Muslim --  
24 who their belief they trace back to the time of the first three  
25 generations after the prophet Muhammad, alayhis salam. And

1 there's different people who use that name to show that they  
2 practice pristine Islam from that time. One of the groups,  
3 they're pretty much based out of Saudi Arabia, and they're very  
4 harsh against what is known these days, at least, as jihad and  
5 people who are fighting jihad.

6 Q. And did you talk particularly about Madkhalis with the  
7 defendant in the time frame between 2002 and 2004?

8 A. Yes.

9 Q. Did the defendant have views that he expressed to you  
00:27 10 about Madkhalis?

11 A. Yes.

12 Q. What were those views?

13 A. Multiple views, actually. Some of them more trivial, some  
14 of them, you know, less -- like a little harsh towards people  
15 for minuscule matters such as like a beard or wearing your  
16 garment over the ankles, they're very...

17 Q. What were the defendant's opinions, though, on -- that he  
18 expressed to you about Madkhalis?

19 A. It was that he thought they were a little too difficult  
00:28 20 with people for such things. And, also, we both had the view  
21 that they're too lax when it comes to taking action.

22 Q. What do you mean about that?

23 A. The Muslim world, if invaded by any foreign army, they're  
24 the first ones to not say anything really about it, or do  
25 anything about it.

1 Q. And do you recall the defendant talking about how he  
2 viewed people who held that position, Madkhalis who were too  
3 lax about doing anything about it?

4 A. Just pretty much, like, worthless, not really to be  
5 listened to.

6 MR. GROHARING: Now could I please have Exhibit 646.

7 Q. Now, is this exhibit another chat between you and the  
8 defendant?

9 A. Yes.

00:29 10 Q. I note that there's a different name in the -- on the  
11 first line after the email address ibnul\_khattab82@yahoo.com.  
12 What is that name?

13 A. Umm Muhammad?

14 Q. Yes.

15 A. That's my wife's email address, or screen name.

16 Q. Did you sometimes use that screen name when chatting with  
17 the defendant?

18 A. Yes.

19 Q. Have you had the opportunity to review this particular  
00:30 20 chat?

21 A. Yes.

22 Q. And in this chat is it you that's communicating with the  
23 defendant or is it your wife?

24 A. I believe it's me.

25 Q. Okay. Can you please read the portions of the chat

1 attributed to you?

2 A. "We are waiting for you, akhi, brother. When are you  
3 getting here? Laugh out loud."

4 Q. When you say you're waiting for him, why did you say that  
5 to the defendant?

6 A. Because I believe he was -- at this time he was ready to  
7 come to Egypt for the summer.

8 Q. And that was the summer of 2006?

9 A. Yes.

00:31 10 Q. He responds, "Peace, mercy and blessings of Allah be upon  
11 you. August, Allah willing."

12 A. "By the way, this is Daniel, laugh out loud. Insha'Allah,  
13 Allah willing, Somalia gets hukm share'e shari's law."

14 Q. Now, what was happening in Somalia at that point that  
15 you're referring to?

16 A. The Islamic Courts Union was making great moves in the  
17 south of Somalia. And if I'm correct, around this time they  
18 were very close to taking Mogadishu.

19 Q. And why was that of interest to you?

00:31 20 A. Well, I always made the decision that if they actually  
21 took Mogadishu, which is the capital of Somalia, that I would  
22 go.

23 Q. Did you consider this a jihad?

24 A. Yes.

25 Q. Why was it considered a jihad?

1 A. Because they were fighting the TFG, which is the  
2 Transitional Federal Government of Somalia, and they were  
3 not -- the Transitional Federal Government was not applying  
4 Sharee'ah law; they were more of a hodgepodge of former  
5 militiamen and, you know, democratic party and different  
6 parties. And the Islamic Courts Union was Muslims upholding  
7 Sharee'ah law and hoping to make an Islamic state. So to fight  
8 those who oppose them in the land...

9 Q. How did you learn about this in Somalia?

00:32 10 A. Through the news.

11 Q. And are you familiar with any terrorist groups and any  
12 public releases that they made regarding Somalia at this point?

13 A. At that point? Terrorist groups that were, like,  
14 supporting them?

15 Q. Yes.

16 A. At that point, not really. I don't think so.

17 Q. Did you later learn about terrorist groups that supported  
18 the efforts in Somalia?

19 A. If I'm correct, at that time, that particular time, that  
00:33 20 wasn't something -- I mean, they always mentioned that they  
21 were -- the Islamic Courts Union was a hodgepodge of former  
22 terrorist groups that took away the name, like the -- if I'm  
23 correct, the name was AIAI, Alitt Ihab al-Islami.

24 Q. Would you please spell that for the court reporter.

25 A. Okay. A-L-I-T-T I-H-A-B A-L I-S-L-A-M-I.



1 Q. Okay. And so you were learning information from the  
2 internet and the news about what was going on there?

3 A. Correct.

4 Q. I'll come back to that in a minute. I want to ask you  
5 about just one more chat first. Actually, I'm sorry. I want  
6 you to finish this chat first.

7 A. Okay. "Make du'a, make supplication."

8 Q. "Don't count on it."

9 A. "I know. But we have to hope and pray."

00:34 10 Q. "Yeah. How are things, bro?"

11 A. "Al humdulillah, praise be to Allah. Great with the news  
12 of the hope of Sharee'ah."

13 Q. "You heard about that dude in Iraq?"

14 A. "Yeah. Allahu musta'an, Allah is the helper. May Allah  
15 give him what he deserves."

16 Q. Who is the dude in Iraq that you two were referring to?

17 A. Abu Musab al-Zarqawi.

18 Q. And who was Abu Musab al-Zarqawi? Can you please -- the  
19 court reporter has that one. Who was that?

00:35 20 A. He was the leader of al Qa'ida in Iraq.

21 Q. Did you have discussions with the defendant about Abu  
22 Musab al-Zarqawi?

23 A. Yes.

24 Q. Do you recall what the defendant said about him?

25 A. That he was a great fighter in Iraq.

1 Q. Okay. I'm going to ask you: "What do the Egyptians  
2 think?"

3 A. "They all seem to be in mourning. I ain't kidding. They  
4 are sad, sad, sad."

5 MR. GROHARING: Next page, please. Do you want to get  
6 the next two lines?

7 Q. "Really? Wow. So they respected him?"

8 A. "Respect. They love him, man. Laugh out loud. They are  
9 sad, akhi, brother. They love him."

00:36 10 Q. "Wow."

11 A. "Yup. Did you hear what the military said about him?  
12 Like some general?"

13 Q. "What?"

14 A. "He said that he did not die in the initial strike."

15 Q. "Yea."

16 A. "But he was on a stretcher and then he tried to escape.  
17 Then they got him back on, and he said some words and died. I  
18 think I know what those words were."

19 Q. "Probably the lawful version of F-U. Then, the shahadah,  
00:36 20 or bearing witness."

21 A. "Laugh out loud. Laugh out loud."

22 MR. GROHARING: And pull up 647, please.

23 Q. And is this another chat between you and the defendant,  
24 you using the Umm Muhammad account?

25 A. Yes.

1 Q. Please read the portions of Umm Muhammad.

2 A. "Are you not supposed to be here? Laugh out loud."

3 Q. "Peace, mercy and blessings of Allah be upon you."

4 I'm sorry. That was your part.

5 "I missed the flight, hahaha. I'm leaving tomorrow,  
6 brother, God willing."

7 A. "Insha'Allah, Allah willing. What time should you be  
8 here?"

9 Q. "Allah knows best."

00:38 10 A. "Oh, thanks."

11 Q. "I don't want" --

12 A. "That helps."

13 Q. -- "Bob to know."

14 A. "Funny."

15 Q. And when the defendant used "Bob" here, what did you take  
16 that to mean?

17 A. A misrepresentation of Brian.

18 Q. Which is a euphemism that you used for the FBI?

19 A. For the FBI.

00:38 20 Q. Okay. Then what do you say?

21 A. "Funny."

22 Q. "Smiley face wink. No, brother, I'm serious."

23 A. "Well, no problem."

24 Q. "I don't want red carpet greeting at the airport, if you  
25 know what I'm saying."

1 MR. GROHARING: You can take that one down, please.

2 You can take that one down, please.

3 Q. Now, after you left for Egypt, did you ever see the  
4 defendant again?

5 A. Yes.

6 Q. When was that?

7 A. That was, if I'm correct, August 2006.

8 Q. In August of 2006?

9 A. I believe so.

00:39 10 Q. Where did you see him?

11 A. In Egypt.

12 Q. How much time did you spend with him in August of 2006 in  
13 Egypt?

14 A. About a week or two weeks.

15 Q. And over the course of those two weeks, how often did you  
16 see him?

17 A. Every other day.

18 Q. You spent a significant amount of time together?

19 A. Yes.

00:39 20 Q. Do you recall a meeting with the defendant where Omar  
21 Hamammi was also present?

22 A. Yes.

23 MR. GROHARING: Can you please pull up 452A again?

24 Q. And that's this Omar Hamammi?

25 A. Yes.

1 Q. Do you recall the topics of discussion during that  
2 meeting?

3 A. It was about -- well, generally, about Islamic  
4 jurisprudence. Regular talk about families, Islamic  
5 jurisprudence, Egypt, the Qur'an, and then some about Somalia.

6 Q. Okay. What did you and the defendant and Mr. Hamammi talk  
7 about regarding Somalia?

8 A. Well, he brought up Somalia and how it seemed like it was  
9 going to turn into an Islamic state.

00:40 10 Q. Did you talk about Somalia in the context of jihad with  
11 the defendant?

12 A. Yes.

13 Q. What did you say and what did the defendant say?

14 A. Well, I was actually saying that, you know, it looked  
15 legitimate. It was under one banner. Everything looked like  
16 it was correct because it was an Islamic state. So I also  
17 expressed my desire to live there.

18 Q. What, if anything, did the defendant say about that?

19 A. He told me to think about my wife and children.

00:41 20 Q. Was there fighting going on in Somalia at this point?

21 A. Yes.

22 Q. What was the nature of that fighting?

23 A. The Islamic Courts Union was still making a lot of  
24 headway. And they considered it a jihad and they were still  
25 pushing for an Islamic state, but I believe around the time

1 Mogadishu was almost taken.

2 Q. Okay. And if you traveled to Somalia, what did -- in the  
3 conversation you had with the defendant and Mr. Hamammi, what  
4 was it contemplated that you would be doing?

5 A. Fighting jihad.

6 Q. Okay. When you say "fighting jihad," what specifically  
7 would you be doing?

8 A. Engaging in warfare with the Transitional Federal  
9 Government.

00:41 10 Q. For the purpose of helping establish an Islamic state?

11 A. Correct.

12 Q. At that point did the defendant express his views  
13 regarding the conflict in Somalia?

14 A. Not so much to my recollection. I mean, he didn't seem to  
15 oppose them, but he just mentioned the comment of think about  
16 my wife and kids.

17 Q. And he was close with your wife and kids, correct?

18 A. Very much so.

19 MR. GROHARING: Now, could you please pull up Exhibit  
00:42 20 271, please.

21 Now, this has been admitted as well, your Honor.

22 Q. After the defendant left Somalia in August of 2006, did  
23 you maintain contact with him?

24 A. Yes.

25 Q. I'm sorry. After you left Egypt.

1 A. After I left -- that's what I took it for.

2 Q. After the defendant left Egypt in August 2006, did you  
3 maintain contact with him?

4 A. After the defendant left Egypt?

5 Q. Correct.

6 A. After he left Egypt, yes.

7 Q. How did you maintain contact with him?

8 A. The way that we previously had.

9 Q. Okay.

00:43 10 A. Through emails and MSN.

11 Q. Do you recognize the email addresses in this email?

12 A. Yes.

13 Q. Whose email addresses are those?

14 A. Mine and Tarek's.

15 Q. Now, is this an email that you sent to the defendant?

16 A. Yes.

17 Q. And did you send that in -- on November 5th of 2006?

18 A. Correct.

19 Q. Can you please read what you sent.

00:44 20 A. "As-Salamu 'alaykum, wa-Rahmatullahi wa-Barakatuhu, peace  
21 and blessings be upon you. Akhi, brother, I hope all is well  
22 and good with you and your family. Listen, akhi, brother,  
23 straight to the point. One of our friends was just questioned  
24 by Brian, and he and I [sic] is very hot. You put his family  
25 and mine and our children in great danger because of what you

1 have in your closet and some of your email on some taboo  
2 subject matters."

3 Q. Could I stop you there? You refer to what he had in his  
4 closet. What were you referring to?

5 A. Well, in this specific conversation it was Mr. Abdullah,  
6 and he was pretty much writing in back of me telling me what to  
7 write.

8 Q. You refer to a "Mr. Abdullah." Who was that?

9 A. Abdullah.

00:45 10 Q. That was someone helping you write this email?

11 A. Yes.

12 Q. You were actually writing the email?

13 A. I was writing the email. He was pretty much making me  
14 write the email.

15 Q. When you typed this email and you referred to "matters  
16 that you have in your closet," what were you referring to?

17 A. Videotapes. Jihadi videotapes and stuff like that.

18 Q. You say "stuff like that." Did it also include his trip  
19 to Yemen?

00:45 20 A. When he told me that, I kind of just assumed it was an  
21 overall, like what you have in your closet including  
22 videotapes, any unsavory matters.

23 Q. You don't mean physically in some -- a closet, right?  
24 You're referring to --

25 A. Anything that --



1 Q. Things he had done in the past?

2 A. Yeah, anything that's not so good, per se.

3 Q. Okay. Could you please continue after where you left off?

4 A. Yes. "So please, in the name of Allah, go now and empty  
5 everything in your closet before doom comes on you and innocent  
6 people and their families and in the village. As you know, he  
7 does not possess no wealth or financial" -- no wealth  
8 or -- it's very strange how it's written -- "fancy lawyers to  
9 help him out of any problems like your father would provide for  
00:46 10 you. The people involved love you, but starting right now  
11 cease all emails concerning all taboo subjects, and please stop  
12 talking to your friend in your college or any forums that you  
13 debate on or discuss or engage on any of these subjects. Our  
14 friend wants me to tell you that if you really love us for the  
15 sake of Allah like you say you do, you will burn everything  
16 now.

17 "Think. Do not put your own family risk. Think about the  
18 families that may not be in front of you that could face great  
19 problems for things they don't even say or believe in, like  
00:47 20 mine and our brothers, to be specific. You can believe what  
21 you want in your heart, but what you have said in public or to  
22 specific people has already brought trouble to people and their  
23 families, and they do not possess wealth like your parents."

24 Q. Okay. And why did you send this email to the defendant?

25 A. Because Abdullah had informed me that --

1 MS. BASSIL: Objection.

2 THE COURT: I'll admit it as a reason for the  
3 communication but not for the truth of what might be asserted  
4 in the narration.

5 BY MR. GROHARING:

6 Q. Please continue.

7 A. Abdullah had informed me that somebody in New Jersey or  
8 something like this had called him or somehow contacted him and  
9 said that Tarek's name was coming up a lot when they came to  
00:48 10 questions from the FBI.

11 MS. BASSIL: Your Honor, I move to strike. It's  
12 multiple, multiple hearsay.

13 THE COURT: Well, no, the jury is cautioned that this  
14 is not to be taken as things said are true, or even evidence of  
15 those matters, but simply as an exchange that, in fact,  
16 occurred and was apparently a reason for another action by the  
17 witness.

18 Go ahead.

19 THE WITNESS: So after Abdullah explained that certain  
00:48 20 things were coming up, and Tarek's name was coming up a lot  
21 when it came to these supposed questions. So he had me write  
22 this email to Tariq concerning that.

23 BY MR. GROHARING:

24 Q. And were you also concerned about being -- your name  
25 coming up?

1 A. Somewhat, yes.

2 Q. And you indicated you had been questioned at this point?

3 A. Yes.

4 Q. And you wanted to -- is it fair to say you wanted to pass  
5 those concerns on to the defendant?

6 A. Yes.

7 MR. GROHARING: Could you please pull up Exhibit 270.

8 Q. Is this an email from the defendant responding to you on  
9 November 5, 2006?

00:49 10 A. Yes.

11 Q. Would you please read his response?

12 A. "Akhi, brother, what the heck are you talking about?  
13 College discussions? Closet? Emails? You're really not  
14 making any sense, dude. You know me, I'm not that kind of  
15 person.

16 "You see my posts on IN," Islamic Network, "and you know  
17 what I'm about, man. I'm sorry that your families feel this  
18 way but I haven't done anything, akhi, brother. Tariq."

19 Q. And what were your concerns about the posts that the  
00:50 20 defendant had made?

21 A. Well, as far as the posts, it wasn't really the ones, at  
22 least to my recollection, about IN, on Islamic Network; it was  
23 in other places.

24 Q. What was the difference between the posts on Islamic  
25 Network as opposed to other places?

1 A. Well, Islamic Network, it wasn't -- we had it fairly  
2 moderated, and discussions would take place but they weren't  
3 really of what one might consider of an extreme nature, whereas  
4 on other places, like Tibyan Publications, it was much more  
5 hot.

6 Q. Now, you referred to Tibyan Publications. What was that?

7 A. Tibyan Publications was a website pretty much dedicated to  
8 jihad.

9 Q. Why do you say that?

00:51 10 A. Excuse me?

11 Q. Why do you say that?

12 A. Been there before. I've seen it. Pretty much the main  
13 theme of Tibyan Publications was jihad.

14 Q. And would the defendant also post on Tibyan Publications?

15 A. Yes.

16 Q. And how would you characterize those posts in comparison  
17 to the posts on Islamic Network?

18 A. They were much more hot with the rhetoric.

19 MR. GROHARING: Now, could I pull up Exhibit 272,  
00:51 20 please.

21 Q. Are you familiar with -- you indicated before you're  
22 familiar with Ahmad Abousamra. Did you also exchange emails  
23 with him?

24 A. Yes.

25 Q. Do you recall his email address?

1 A. I know the name, but the email address, I barely remember,  
2 but --

3 Q. Okay.

4 A. -- seeing it.

5 Q. Is this an email from the defendant on November 5, 2006,  
6 shortly after the emails we just discussed?

7 A. Yes.

8 Q. And does it appear that in this email the defendant  
9 forwards the email that you had previously sent him to Ahmad  
00:52 10 Abousamra?

11 A. Yes.

12 MR. GROHARING: You can take that one down, please.

13 Q. You indicated before that you also maintained some phone  
14 contact with the defendant. At some point did you travel to  
15 Somalia?

16 A. Yes, I did.

17 Q. When was that?

18 A. November 24th, I believe, 2006.

19 Q. November 24, 2006?

00:53 20 A. Yes.

21 Q. And why did you go to Somalia at that point?

22 A. The Islamic Courts Union had taken Mogadishu, and from  
23 what they were saying, they had established a full-fledged  
24 Islamic state in southern Somalia.

25 Q. How did that impact you? Why did you want to go to

1 Somalia?

2 A. I had always wanted to live in an Islamic state, or one to  
3 be built, as well as fight jihad if I had a chance.

4 Q. When you say "fight jihad," what did you anticipate doing  
5 in that regard in Somalia?

6 A. Once I had the means of contacting the fighters, I would  
7 try my best to receive some type of training or go out with  
8 them and fight.

9 Q. And so when you left for Somalia, that was your plan, to  
00:54 10 contact fighters once you got there?

11 A. Yes.

12 Q. Is this something you discussed with the defendant and  
13 Mr. Hamammi back in that conversation you had in Egypt?

14 A. In a more general sense, yes.

15 Q. Not specifics about travel, but what your desire was when  
16 you got there?

17 A. Yes.

18 Q. Who did you travel with to Somalia?

19 A. Me and my family. My wife and my three children.

00:54 20 Q. At this point you had had a third child?

21 A. Yes.

22 Q. And did anyone else -- did Mr. Hamammi go as well?

23 A. Yes, he left a few weeks before.

24 Q. Why didn't you travel with Mr. Hamammi?

25 A. To avoid any suspicion.

1 Q. So what did you do when you got there?

2 A. When I got there I had some difficulty. It was a real  
3 shanty airport, if you even want to call it an airport. It  
4 was -- really just looked like a parking garage. And there was  
5 a man with a wooden table accepting people in. And when I got  
6 there I had some trouble with him because he said that they  
7 heard about me from Dubai, I didn't have a visa.

8 Previously, in Dubai I got into a confrontation with the  
9 police because they were going to take me off the plane. I  
00:55 10 threatened the police that I would fight them if they didn't  
11 let me on the plane. I explained there was no visa. They said  
12 there was a visa; I explained there wasn't. After some vicious  
13 talk, one of the policemen just let me go.

14 They discussed this with me in Somalia. After some  
15 discussion --

16 Q. You say they discussed this with you. When you got to  
17 Somalia, who are you talking to?

18 A. The men at the airport who were in control of the airport  
19 who were part of the Islamic core team.

00:56 20 Q. Okay. So after you talked to them, what happened next?

21 A. Somebody pulled up in an SUV who I didn't recognize. I  
22 don't know anyone there. But this man seemed to be on my side.  
23 He kept on motioning to me with his hands and arguing with one  
24 of the men that wouldn't really let me in yet. Finally, some  
25 of the brothers came over -- by "brothers" I mean some of the

1 active Muslims, beards and whatnot, came over and said,  
2 "Welcome to Somalia." And the man with the SUV told me to just  
3 get in the SUV, they put my bags in the SUV and said, "You're  
4 in. You're welcome."

5 Q. You mentioned active beards and whatnot *[sic]*. What do  
6 you mean by that?

7 A. Well, when I got there, for the most part everybody seemed  
8 to be practicing, but the guys who pulled up in the SUV had  
9 long beards and head wraps and whatnot. They looked like very  
00:57 10 practicing Muslims.

11 Q. Okay. And after you made contact with this group of men,  
12 what did you do next?

13 A. The man who had the SUV brought me to his house, said that  
14 I would stay with him and his family, I would sleep in his  
15 wife's bed and him and his wife would stay somewhere else in  
16 the compound. Me and my wife would have a room, my children  
17 would have a room.

18 We went to his house. My wife went off with the women, I  
19 stayed in what would be considered a living room, and he left  
00:57 20 for a bit. And he came back with another gentleman that I had  
21 previously seen on the plane. When they were going to pull me  
22 off, they were going to pull that gentleman off as well. And  
23 when he came back, he had a Kalashnikov, an AK-47, he gave it  
24 to me, and a jhuba (ph), a vest, wherein holds the magazines  
25 for the AK-47. He also gave that to me.



1 Q. Is it fair to say these were the types of men you were  
2 hoping to link up with when you were talking before about your  
3 intent in going to Somalia?

4 A. Exactly. Yes.

5 Q. So after you received your Kalashnikov, what did you do?

6 A. I was very happy. Actually, I made a comment as to being  
7 so happy. After that, really, I stayed in his house for some  
8 time with my wife. It seemed at least to be like two weeks or  
9 so. It was very long. And finally he explained that he was  
00:58 10 going to get me in touch with some other brothers to move my  
11 family with them, because they were foreigners, and he would  
12 bring me to a place that -- the Islamic Courts Union -- known  
13 as "the hotel," which was in the center of Old  
14 Mogadishu -- forgive me, New Mogadishu -- and I would meet up  
15 with some of the young mujahideen.

16 Q. You used the term "mujahideen." What do you mean by that?

17 A. Some of the young fighters.

18 Q. And were these men Somalis?

19 A. Yes. Some of them were Somalis. Some of them were out of  
00:59 20 different cultures. Some of them were Americans.

21 Q. And you mentioned the Islamic Courts Union. Were there  
22 other groups in addition to the Islamic Courts Union that these  
23 men belonged to?

24 A. Yes. The Islamic Courts Union was the political wing, the  
25 face of Somalia, at least the Islamic Somalia, if we should

1 call it the Islamic state, whereas there was another wing which  
2 was known as the military wing, which is called the Shabaab.

3 Q. And the military wing, or Shabaab, is that the group --  
4 are those the types of folks that you were trying to link up  
5 with when you got there?

6 A. Yes.

7 Q. And who made up the Shabaab?

8 A. The Shabaab was mostly Somali youth, but it was said that  
9 there was the AIAI, Alitt Ibab al-Islami. It was a good  
01:00 10 portion of the Shabaab as well as some previous al Qa'ida  
11 fighters.

12 Q. So they were members of al Qa'ida that were part of  
13 Shabaab?

14 A. Yes.

15 Q. And so what did you do once you linked up with these folks  
16 and went to the camp that you talked about?

17 A. Well, first, when I finally got to the other house,  
18 brought my family there, and there were foreign women, women  
19 that spoke English that she could be with, and we were told  
01:01 20 that all of the young brothers were going to be sent to a place  
21 called Kismayo, which is the south of Somalia.

22 Q. Can you please spell that for the court reporter?

23 A. K-I-S-M-A-Y-O, Kismayo.

24 Q. Okay. And what did you do next?

25 A. We all went out at night -- we got our -- actually, we

1 went to a house and got geared up. So being geared up, I had  
2 my Kalashnikov, my jhuba with my magazines for the Kalashnikov.  
3 And we were given fatigues. And if you wanted, you could grab  
4 grenades and, you know, whatever type of armaments to get  
5 ready. And we went to a garage where many fleets of trucks  
6 were preparing to go to the south of Somalia to receive  
7 training. So it was, I would say, hundreds of mujahideen  
8 fighters preparing at night, and we left off in the middle of  
9 the night to make a long travel towards Kismayo.

01:02 10 Q. Did you ultimately receive training?

11 A. Yes, I did.

12 Q. What did that training consist of?

13 A. It consisted of physical training: push-ups, pull-ups,  
14 running, that kind of thing; and also small-arms training which  
15 was Kalashnikov: learning how to break it down, put it back  
16 together, the history of it, how it works; PKM; grenades,  
17 rocket-launchers.

18 Q. What is a PKM?

19 A. A PKM is -- unlike a Kalashnikov, which is a small assault  
01:02 20 rifle, a PKM is a much larger assault rifle which has greater  
21 spit, if you were.

22 Q. Is it an automatic weapon?

23 A. Automatic weapon. Fully automatic.

24 Q. And so how long did this training last?

25 A. For almost about, I'd say, a month, maybe? Maybe a little

1 longer, give or take.

2 Q. What did you do once the training was complete?

3 A. Mind you, when I say the training lasted a month, I had  
4 gotten sick and this is what people were doing. For myself, it  
5 didn't last that long. I just wanted to clarify that.

6 Q. You got sick at some point during the training?

7 A. Yes. I was supposed to start shooting and whatnot and do  
8 a lot of other things, and I had contracted malaria.

9 Q. But you did participate in, at least, a portion of the  
01:03 10 training, right?

11 A. Yes.

12 Q. And now this training, when you were having discussions  
13 with the defendant and Mr. Abousamra prior to your travel to  
14 Somalia, over the course of all the years that you interacted  
15 with him, is this training the type of training that the  
16 defendant expressed an interest in --

17 MS. BASSIL: Objection.

18 BY MR. GROHARING:

19 Q. -- receiving?

01:04 20 THE COURT: Overruled.

21 THE WITNESS: Pretty much, yes.

22 BY MR. GROHARING:

23 Q. What did the defendant say about receiving training like  
24 this?

25 MS. BASSIL: Well, objection, your Honor.

1 THE COURT: Overruled.

2 THE WITNESS: Beneficial.

3 BY MR. GROHARING:

4 Q. Beneficial what?

5 A. Well, if you wanted to go ever fight jihad, defend the  
6 land of the Muslims, you would need to be trained.

7 Q. And that's what the defendant said?

8 A. I don't remember exact words, but this was the gist of  
9 many conversations.

01:04 10 Q. And when the defendant talked about receiving this type of  
11 training, did he indicate where he wanted to apply the  
12 training?

13 A. Apply it?

14 Q. Once you have the training, where do you want to use the  
15 skills that you learned during --

16 A. On the field of jihad.

17 Q. And did he indicate who he would be fighting when he  
18 applied that training?

19 A. Well, depending on where you went. Like Iraq was one of  
01:05 20 the places. If it was in Iraq, for instance, it would be the  
21 Americans.

22 Q. Okay. Did you have any contact with the defendant when  
23 you got to Somalia?

24 A. Yes.

25 Q. When was that?

1 A. I'd say maybe in December 2006.

2 Q. December 2006?

3 A. I believe so.

4 Q. So at that point would you have been receiving training or  
5 somewhere along in that process?

6 A. Yes, receiving training.

7 MR. GROHARING: Your Honor, at this point I have three  
8 telephone calls I would like to play. They are all -- they've  
9 been admitted into evidence. I have translations for each of  
01:05 10 them.

11 THE COURT: And the numbers, for the record?

12 MR. GROHARING: I'm sorry. 299, 301, 303 are the  
13 phone calls, and 300, 302, 304 are the translations. I think  
14 we'll just hand out one at a time to avoid confusion.

15 THE COURT: Okay.

16 MR. GROHARING: And I believe all the pages are in the  
17 translation.

18 (Transcript disseminated to the jurors.)

19 THE COURT: All right. I think the jurors all have  
01:07 20 the transcript.

21 (Exhibit No. 299 is published to the Court and jury.)

22 BY MR. GROHARING:

23 Q. Mr. Maldonado, was this call made on December 12, 2006, at  
24 10:39 p.m.?

25 A. Yes.

1 Q. In that phone call, do you recognize the voices of the  
2 participants of that conversation?

3 A. Yes.

4 Q. Who were they?

5 A. Me and Tarek.

6 Q. You and the defendant?

7 A. Yes.

8 Q. And why did you call the defendant at that point?

9 A. I called him in the hopes that he might join me.

01:10 10 Q. And based on all the communications that you had had with  
11 him over the course of a number of years, did you believe that  
12 he would, in fact, join you in Somalia?

13 A. Yes, I had hoped such.

14 Q. And he mentioned an email. Was that the email that we  
15 just talked about a few minutes ago?

16 A. Yes.

17 MR. GROHARING: Your Honor, at this point if we could  
18 play 301. I'm going to hand out the transcripts.

19 THE COURT: All right.

01:11 20 (Transcript disseminated to the jurors.)

21 THE COURT: All right.

22 (Exhibit No. 301 is published to the Court and jury.)

23 BY MR. GROHARING:

24 Q. Mr. Maldonado, is this a continuation of that first call  
25 that we discussed a moment ago?

1 A. Yes.

2 Q. And was this call made on December 12, 2006, at 11:31  
3 p.m.?

4 A. Yes.

5 Q. Now, on the call a person named Al Mizzi was mentioned.  
6 Who was that?

7 A. Omar Hamammi.

8 Q. Omar Hamammi? And is that the same Omar Hamammi that you  
9 and the defendant met with in Egypt?

01:24 10 A. Yes.

11 Q. You mentioned something about making your intention before  
12 you go. What does that mean?

13 A. Well, in Islam before you do a religious action, an action  
14 that's considered obligatory, you have to have an intention  
15 first to make the action, you know, that your intention is for,  
16 for the sake of Allah, not worldly pleasures.

17 Q. What's the significance of making that intention?

18 A. Once you make the intention, if anything befalls you on  
19 the way, it's as if you did it regardless.

01:24 20 Q. So in this sense what would he be making an intention to  
21 do?

22 A. Making the intention to make hijrah to perform jihad, and  
23 if something happens on the way, it's as if you performed.

24 Q. And what is the significance of if something did happen  
25 along the way after you had made intention to fight jihad?



1 A. Then you would get the reward.

2 Q. What is the reward?

3 A. It depends on the circumstance. If you were to die, it  
4 would be as if you died on the battlefield; if you were  
5 arrested, it's as if you're arrested, really -- it's a very  
6 difficult thing to explain in that context. You're getting the  
7 reward of -- it's as if you had performed the action. So  
8 whatever happens to you, it's as if you already were performing  
9 the action when whatever befalled [sic] you happened.

01:25 10 Q. Okay. In the context of making your intention to fight  
11 jihad, if you're killed along the way, then what are the  
12 ramifications of that?

13 A. You're a shahid. You're a martyr.

14 Q. What does it mean if you're a martyr?

15 A. What does it mean?

16 Q. What's the significance to you of that?

17 A. What's the significance of being a martyr? You're  
18 forgiven for all your sins. You know, you're granted the most  
19 lofty place in paradise.

01:26 20 Q. Okay. Did you have discussions with the defendant about  
21 martyrdom and paradise?

22 A. Yes.

23 Q. In the context of fighting jihad?

24 A. Yes.

25 Q. What do you remember the defendant saying about that?

1 A. Similar to what I just said, that it is the most lofty way  
2 to go, that martyrdom is the best way for a Muslim to die.

3 Q. Now, in these phone calls you mentioned other brothers,  
4 and the first one you mentioned Ahmad and Dan. Who are they,  
5 those brothers?

6 A. Other brothers?

7 Q. Who are you talking about?

8 A. I said "the brothers." Basically, the general group:  
9 Ahmad, Dan, Tarek.

01:27 10 Q. Ahmad who?

11 A. Ahmad Abousamra.

12 Q. And Dan who?

13 A. Daniel Spaulding.

14 Q. And you haven't talked much about Daniel Spaulding. Who  
15 is he?

16 A. Daniel Spaulding is a Caucasian convert to Islam. I met  
17 him leaving Manchester, New Hampshire. And we became good  
18 friends after his conversion to Islam.

19 Q. Okay. And is he someone associated with the defendant?

01:27 20 A. Yes.

21 Q. And what was the nature of their relationship?

22 A. They became friends.

23 Q. And did Mr. Spaulding have similar views to you and the  
24 defendant?

25 A. Yes.

1 MS. BASSIL: Objection.

2 THE COURT: It may stand.

3 BY MR. GROHARING:

4 Q. In the last phone call you used the term "culinary  
5 school." What did that mean?

6 A. That was the best way for me to indicate that I was  
7 receiving military-type training.

8 Q. You also used the term "PB&J."

9 A. Yes.

01:28 10 Q. What did that term mean?

11 A. Jihad.

12 Q. And had you discussed that term with the defendant prior  
13 to the phone call?

14 A. Yes.

15 Q. And why did you use those terms on that phone call?

16 A. It wasn't really for my security; it was more for his. I  
17 was -- as far as I looked at it, I was in a place where I was  
18 untouchable, so I really don't mind where I was *[sic]*. You  
19 know, jihad -- where I was, jihad was something that we were  
01:28 20 calling people to openly, but I understood that if I were to  
21 call someone else, that's not their position. So I had to use  
22 a safety net when speaking to him, so I used code words such as  
23 "PB&J" and "culinary school," hoping that he would understand.

24 Q. And you testified previously the defendant was also  
25 conscious of security?

1 A. Yes.

2 Q. Did he use these same types of words when talking to you?

3 A. Yes.

4 Q. You also said that he should say he's going as a tourist?

5 A. Correct.

6 Q. When you traveled to Somalia, to the best of your  
7 knowledge, were there any tourists traveling with you?

8 A. No.

9 Q. Why do you say that?

01:29 10 A. Somalia is not exactly the place for tourism.

11 Q. Why not?

12 A. It's a war-torn country.

13 Q. So why did you tell the defendant to travel -- to say he  
14 was traveling as a tourist?

15 A. To avoid suspicion when he took the travel.

16 Q. You also told the defendant to travel -- for he and the  
17 other brothers to travel separately. Why did you tell the  
18 defendant that?

19 A. Because we had understood that if you get a bunch of guys  
01:30 20 with beards going to Somalia, immediately it's suspicious. So  
21 if you went singularly, it didn't look so bad.

22 MR. GROHARING: Your Honor, I would like to play the  
23 final phone call, your Honor, and distribute the transcripts.

24 THE COURT: All right.

25 (Transcript disseminated to the jurors.)

1 THE COURT: Okay. I think everybody has the  
2 transcripts.

3 (Exhibit No. 303 is published to the Court and jury.)

4 BY MR. GROHARING:

5 Q. And, Mr. Maldonado, is this a third in a series of phone  
6 calls on December 12, 2006?

7 A. Yes.

8 Q. Now, on the phone call you told the defendant that he was  
9 the first person that you called and that he was number one on  
01:36 10 your list. Why is that?

11 A. My best friend also. I felt that he was the most apt to  
12 possibly take my advice and come.

13 Q. And on the same phone call the defendant made a comment  
14 that -- asking if there were Sufis there. You smiled when I  
15 asked that question. Why?

16 A. Because that's our humor. Just, really, we made little  
17 jokes about Sufi tariqah. "Tariqah" is like a group, so...

18 Q. What was the term you just used?

19 A. Tariqah.

01:37 20 Q. Would you please spell that for the court reporter?

21 A. Yes. It's T-A-R-I-Q-A-H.

22 Q. And why did you make jokes about these types of people?

23 A. Because we always viewed them to be people of innovation.  
24 And what I mean by "people of innovation," in Islam you don't  
25 innovate matters in religion, you know, that that's a

1 blame-worthy act. So there were people who innovated many  
2 foreign practices into Islam, and many of these practices being  
3 very strange and abnormal. So we used to make little jokes  
4 about them.

5 Q. Do you recall the defendant talking about Sufis over the  
6 course of time that you knew him?

7 A. Yes.

8 Q. And what opinions did he express in that regard?

9 A. Just what I had said previously, that they are people of  
01:38 10 innovation and that, you know, they have innovated acts in  
11 Islam and we knew those innovations were quite silly, to be  
12 frank.

13 Q. Did he ever indicate an interest in becoming a Sufi --

14 A. No.

15 Q. -- in the course of time that you knew him?

16 A. Never.

17 Q. Would that have been consistent with the types of  
18 statements that he made during the course of your relationship?

19 A. Becoming a Sufi?

01:39 20 Q. Yes.

21 A. No, it wouldn't be.

22 Q. And Sheikh Nouh he goes on to talk about. Who's that?

23 A. Actually, I don't even recall Sheikh Nouh. I was  
24 wondering the same.

25 Q. You responded by saying, "The biggest Sufi method in the

1 world is here."

2 A. Yeah, that was another one of my ways to try to take a  
3 joke, flip it, and give him an idea that now we're changing the  
4 Sufi thing to, you know, yeah, if he wants Sufism -- you know,  
5 like I'm using -- how can I say it? I was taking the common  
6 joke and making it into another code as, you know, the  
7 comments, the biggest Sufi tariqah in the world, hint, hint.

8 Q. And, now, why would you want to use that code in this  
9 context?

01:39 10 A. Just, I was pretty much trying to use as much as possible  
11 to incite him to come.

12 Q. And you indicate the doors were closing on the phone call?

13 A. Yes.

14 Q. Why did you say that?

15 A. The war actually -- there was a lot of scuffles on the  
16 front line and it started to look like things were becoming  
17 more difficult for foreigners to come. And a lot of the  
18 brothers where I was at, we had discussed that it started to  
19 look like it was more difficult, you know, and it seemed that  
01:40 20 some people were getting caught trying to get in and people  
21 were giving people trouble.

22 So being that the conflict was getting greater and the  
23 suspicion was also getting greater, I tried to explain to him  
24 that the doors are closing.

25 Q. Did at some point those doors actually close based on your

1 experiences there?

2 A. Yup.

3 Q. Approximately when was that?

4 A. Around the time of my birthday, actually, when the  
5 Ethiopians declared full war on us on December 19th.

6 Q. So only a week after that phone call?

7 A. Yes.

8 Q. And at that point did it become more difficult for  
9 brothers, as you've described them, to travel to Somalia?

01:41 10 A. At that particular time, almost impossible.

11 Q. And so after you had these phone calls with the defendant,  
12 what did you -- at that point you were in training. What did  
13 you do next?

14 A. I completed that end of the training as far as physical  
15 training. I had gotten quite proficient in my usage of the  
16 Kalashnikov and a half rifle, disassembling, reassembling; I  
17 understood and could identify all of the weapons that were  
18 necessary, such as any type of hand-grenade and PKM, RPGs. So  
19 we made our way once to -- we were going to go to the  
01:42 20 frontline, which was at a town called Diinsoor, and that was a  
21 frontline town, and we were going to bring armaments to  
22 Diinsoor.

23 Q. When you say "we" at this point, who's the "we" you're  
24 talking about?

25 A. These are the fighters, the mujahideen. We were going to



1 bring armaments to the other fighters in Diinsoor and supply  
2 ourselves with help. So we were going to fight as well as  
3 bring armaments. And upon getting to Diinsoor -- mind you,  
4 this is after I had contracted malaria. I got better and  
5 immediately asked my commander in charge to go to the  
6 frontline.

7 So we went to -- we took a caravan, me, Omar and the rest  
8 of the brothers, to Diinsoor. And upon getting close to  
9 Diinsoor the fighters were making a tactical retreat. A lot of  
01:43 10 guys were coming back dusty, many people wounded, a lot dead,  
11 because the Ethiopians had gotten the upper hand at that  
12 particular fight. So we turned back around to a town called  
13 Jilib, and --

14 Q. Is that J-I-B?

15 A. No, Jilib is J-I-L-B -- J-I-L-I-B, rather.

16 Getting to Jilib, we were going to move our fighters back  
17 and forth and try to strategically look at the situation and  
18 how we could make our next move. So we were moved around the  
19 town of Jilib, out and about, and finally we just rested in  
01:43 20 Jilib because traveling in Somalia is extremely difficult.

21 There's no paved roads or anything. So just the travel itself  
22 is very difficult.

23 Once in Jilib I had called my wife because we had heard  
24 that Mogadishu -- the airport had gotten bombed by the  
25 Ethiopian forces. They wanted to take our airport so that

1 nobody could come in. And Sheikh Sharif Ahmad, our supreme  
2 leader of the Islamic core team, happened to be leaving or  
3 coming, or something like that, so they bombed the airport.

4 I called my wife, asked her if she heard the bombing; she  
5 said yes. I asked her if she was scared; she actually said no,  
6 but I ordered her to come immediately to Jilib -- Kismayo,  
7 rather. But you have to go through Jilib to get to Kismayo,  
8 and she said she would. Finally, I found out that the women  
9 were evacuated anyway.

01:44 10 So I spent a whole night waiting for my wife and children  
11 to make it to Jilib. And I stood on a roof watching the night  
12 to see the headlights of cars coming, and finally, in the  
13 morning after I made my prayer I saw my wife again for the  
14 first time in two months. So we had a nice little discussion.  
15 I saw my daughter who had grown significantly since the last  
16 time I seen her, my baby.

17 And we were going to leave for the frontline but I had  
18 asked my commander for the safety of my family could I escort  
19 them to the border and, you know, I could go back or however  
01:45 20 they wished to position me as a soldier, just let me escort my  
21 family for their safety, and they allowed me. So we went to  
22 Kismayo, and we slept in one of the houses that we had on the  
23 compound and I spoke to my wife. And that was the last time I  
24 ever saw her alive, so...

25 Q. What happened to your wife?

1 A. She had contracted malaria and died on the border.

2 Q. And after you had that conversation with your wife, what  
3 did you do next?

4 A. After some loving discussions -- and we kind of had an  
5 idea -- at least we thought that I would die. So we spoke to  
6 each other, kissed good-bye, such things, hugged my children,  
7 and I sent them to the border of Kenya, perceiving that they  
8 would get through the border and be fine. So go to Kenya. I  
9 was stationed with the men, and we went to the border where we  
01:46 10 camped in the jungle.

11 Actually, forgive me. We -- I'm mixing that up. First we  
12 went to on old training camp, spent the night there, and then  
13 we were going to go to -- by boat to Ras Kamboni.

14 Q. Would you please spell that?

15 A. R-A-S K-A-M-B-O-N-I.

16 Q. And you indicated that you wanted to make it to the border  
17 of Kenya?

18 A. Correct.

19 Q. Did you ultimately make it to that border?

01:47 20 A. Yes.

21 Q. And then what happened?

22 A. Well, after we went from Ras Kamboni, we made it to the  
23 border, we heard on the radio that the Ethiopians were  
24 particularly looking for, and I quote, "the white guys." So we  
25 had an idea that we were the specific targets. So we went into

1 the jungle and established base.

2 Q. How long were you in the jungle between the time you were  
3 in Kismayo until the time you made it to the border?

4 A. Until the border? I don't really recall. It was a matter  
5 of days from the border. But while we were there we had  
6 suffered a helicopter attack. Helicopters attacked us. And my  
7 particular unit had survivors, but the other ones around us, a  
8 lot of people got killed.

9 After that we camped out some more, and in the morning we  
01:48 10 prayed our morning prayer and we suffered an ambush. And a lot  
11 of the brothers around me, left and right, got killed. And I  
12 noticed my commander indicating to make tactical retreat, and  
13 me and some brothers retreated. And that was the last time I  
14 saw a lot of them. And we walked through the jungle for two  
15 weeks with no food or water until we reached Kenya.

16 Q. What happened when you got to Kenya?

17 A. We were emaciated. I mean, now I'm still quite slender,  
18 but at the time I must have weighed maybe 109 pounds, my ribs  
19 and whatnot. We had dropped our weapons because we were  
01:48 20 ordered that once -- if we ever do cross the border, we're not  
21 at war with Kenya so you don't want to start a conflict so drop  
22 your weapons. So we only kept one just in case anything would  
23 happen.

24 Once we got to Kenya, we finally found a village because  
25 really we were lost. We had no idea. We were using the sun,

1 and the stars at night, to guide us. And we had come across a  
2 village, and we asked one of the men in the village to help us  
3 get across somewhere to Nairobi, first Mombasa and then  
4 Nairobi. And we paid him, gave him the Kalashnikov gun as a  
5 payment, gave him some money for food. He fed us for the first  
6 time in two weeks.

7 And we were in the mosque and the Kenyan troops we heard  
8 outside, and they were ordering us to get out of the mosque.  
9 And they stripped us of our shirts, put us on the ground and,  
01:49 10 you know, asked us some questions, put us in a truck and  
11 imprisoned us.

12 Q. So you were ultimately incarcerated in Kenya?

13 A. Yes.

14 Q. At some point did you talk to FBI agents in Kenya?

15 A. Yes. After being incarcerated in Kenya, being flown from  
16 one place to another, first Mombasa and then to Nairobi. In  
17 Nairobi, after some weeks, I believe, the FBI had taken me into  
18 their custody.

19 Q. And after you talked to the FBI, were you ultimately

01:50 20 transported back to the United States?

21 A. Correct. First to Djibouti, a military base, and then to  
22 the United States.

23 Q. Okay. And when you got to the United States were you  
24 charged?

25 A. Yes.

1 Q. And we talked a little bit about those charges before, but  
2 just to remind the jury, what were you charged with?

3 A. The first charge being receiving military-type training  
4 from a foreign terrorist organization, the second charge being  
5 conspiring to use a weapon of mass destruction in a foreign  
6 country.

7 Q. And you indicated before you pled guilty --

8 A. To the lesser charge.

9 Q. And you entered into a plea agreement?

01:50 10 A. Correct.

11 Q. And what does that plea agreement require you to do in  
12 relation to this proceeding today?

13 A. My plea agreement requires me to be honest in everything  
14 that I tell the government. It also requires me to take the  
15 stand in any cases that are involved with me. If I do not do  
16 such, a breaking of the plea agreement could happen, which  
17 would result in the initial charge of life without parole. So  
18 basically, if I don't do what I'm doing...

19 Q. Are you able to select which cases you testify in and  
01:51 20 which cases you do not testify in?

21 A. No, I'm not able to select what cases I testify in.

22 Q. And, again, what are the consequences if you don't testify  
23 truthfully?

24 MS. BASSIL: Objection, your Honor. This has been  
25 asked and answered many times.

1 THE COURT: I think we had this yesterday. Sustained.

2 MR. GROHARING: That's all I have, your Honor.

3 THE COURT: Okay. We're at eleven o'clock. We'll  
4 take the morning recess at this point.

5 THE CLERK: All rise for the Court and jury. The  
6 Court will take the morning recess.

7 (The Court and jury exit the courtroom and there is a  
8 recess in the proceedings at 11:01 a.m.)

9 (After recess:)

02:06 10 (Court and jury in at 11:25 a.m.)

11 CROSS-EXAMINATION BY MS. BASSIL:

12 Q. Good afternoon.

13 A. Uh-huh.

14 Q. I want to jump ahead a bit in your story, and I'll come  
15 back to it later. But I want to start with when you were in  
16 the jungle, and you were heading towards Kenya, okay?

17 A. Okay.

18 Q. And as I understand it, your family had left for the  
19 border, for the Kenyan border, correct?

02:22 20 A. Yes.

21 Q. And you had left with the other men that you were with --

22 A. Yes.

23 Q. -- correct?

24 And you were surrounded by helicopters that began  
25 attacking you, correct?

1 A. Yes.

2 Q. And these are Ethiopian forces, to the best of your  
3 knowledge?

4 A. Yes.

5 Q. As I understand it, you were also -- how many men were  
6 with you, do you think, at that point?

7 A. Each cell consisted about roughly over 30 people.

8 THE COURT: Mr. Maldonado, could you keep your voice  
9 up a little bit, please.

02:22 10 Q. So were there about 30 people with you?

11 A. Yes, about, give or take.

12 Q. Give or take. And the next day there was an ambush in  
13 which many of them died, correct?

14 A. Yes.

15 Q. And you saw that and that bothered you greatly, did it  
16 not?

17 A. Of course.

18 Q. Of course. And then, for the rest of you, you ended up  
19 wandering in the jungle for about two weeks, correct?

02:23 20 A. Yes.

21 Q. With really next to nothing to eat?

22 A. Nothing to eat.

23 Q. Nothing to eat. And very little water as well, correct?

24 A. Yes.

25 Q. And at times, you would also hear helicopters overhead,



1 isn't that correct?

2 A. Yes.

3 Q. So this, indeed, was very frightening, was it not?

4 A. Yes.

5 Q. Now, after about two weeks, as I understand it, you  
6 stumbled basically across the border into Kenya, correct?

7 A. Yes.

8 Q. There was no border patrol or any kind of border -- like,  
9 a shack or anything like that; you just walked into a village  
02:23 10 and you were in Kenya?

11 A. Yeah. We had found a village.

12 Q. All right. And the villagers were Muslim, correct?

13 A. Yes.

14 Q. And some of them spoke Arabic?

15 A. Yes.

16 Q. They fed you and they gave you water?

17 A. Yes.

18 Q. And you remember walking into the village with the men  
19 that were left to you crying, correct?

02:24 20 A. Yes.

21 Q. And praying?

22 A. Yes.

23 Q. And you were brought to a mosque where you could finally  
24 rest, is that correct?

25 A. That's correct.

1 Q. And suddenly, while you were there, someone yelled out  
2 "soldiers," and the Kenyan military stormed in, isn't that  
3 correct?

4 A. Yes.

5 Q. And they pulled you out, laid you on the ground. And were  
6 you beaten?

7 A. Yes. I was hit over the head with the back of an M-16  
8 machine gun.

9 Q. I think your voice kind of dropped. You were hit in the  
02:24 10 back of the head by an M-16 by a Kenyan -- I'm sorry, a Kenyan  
11 military officer, correct?

12 A. Yes.

13 Q. And was there much shouting and yelling as well?

14 A. Yes.

15 Q. And they also -- I think you said they took off your  
16 shirts?

17 A. Yes.

18 Q. Were you forced to take off any other clothing?

19 A. Our shoes.

02:25 20 Q. Your shoes. So you were barefoot and without shirts?

21 A. Yes.

22 Q. You were thrown onto a truck on top of each other, is that  
23 correct?

24 A. Yes.

25 Q. And you were driven through the jungle to the next town,

1 and it was quite cold, was it not?

2 A. Yes.

3 Q. It was freezing?

4 A. Very cold.

5 Q. And at the time when you were in that truck, you really  
6 didn't know -- you didn't know where you were going, right?

7 A. Correct.

8 Q. You didn't know if you were going to be taken somewhere  
9 and just shot?

02:25 10 A. Correct.

11 Q. Or beaten to death?

12 A. Yes.

13 Q. When you were ordered out of the truck, you were pushed  
14 around and beaten some more, is that correct?

15 A. Yes.

16 Q. In fact, you were laughed at, humiliated, and you were  
17 also filmed, were you not?

18 A. Yes.

19 Q. And then you were thrown into a dark and dirty cell, is  
02:25 20 that correct?

21 A. This is correct.

22 Q. There was -- how many people were in the cell that you  
23 were thrown into?

24 A. About 12.

25 Q. About 12. How big was it?

1 A. It's not big at all, really. I can't really describe, but  
2 not enough to cell up 12 people. We couldn't even lay down.

3 Q. Okay. Would you say, if you took two of these tables and  
4 kind of put them together, that would be about the size of it?

5 A. Three tables.

6 Q. Three tables would be about the size of it for the 12 of  
7 you, correct?

8 A. Yes, correct.

9 Q. And there was a bucket in that cell for -- if anyone had  
02:26 10 to use the bathroom, correct?

11 A. Yes, correct.

12 Q. You were weeping, right?

13 A. Yes.

14 Q. You had no idea where your wife or your children were?

15 A. Yes.

16 Q. And that night, you were also pushed around, beaten, and  
17 interrogated by the Kenyan police, isn't that correct?

18 A. Correct.

19 Q. And were you -- how were you beaten that night?

02:26 20 A. When they would bring us to the interrogation room,  
21 sometimes the soldiers bringing us would slap us upside the  
22 head or prod us, pushing us, at one point kind of twisting,  
23 like, of the arm from behind.

24 Q. Your arm would be twisted?

25 A. Yeah, when they were bringing us, because we were

1 cable-tied from the back.

2 Q. When you say you were cable-tied, did you mean your hands  
3 were behind your back and there were ties on you?

4 A. Yeah, similar to how you put together computer wires.

5 Q. Those kind of plastic cable wires?

6 A. Yeah, from the back.

7 Q. Now, the next morning, you were cable-tied behind your  
8 back again, were you not?

9 A. Yes.

02:27 10 Q. Blindfolded?

11 A. Yes.

12 Q. Thrown into another truck?

13 A. Correct.

14 Q. And brought to a helicopter?

15 A. Yes.

16 Q. Now, while the Kenyan police were doing this, were they  
17 also mocking you and threatening you?

18 A. Yes, from time to time.

19 Q. And did you have any idea where you were going?

02:28 20 A. At the point of the helicopter, no.

21 Q. Were you scared?

22 A. Of course.

23 Q. Now, when you got to the area of the helicopter, you were  
24 thrown off the truck onto the ground, is that right?

25 A. Yes.

1 Q. And put on the helicopter and taken to an airport?

2 A. Yes.

3 Q. And put on a plane --

4 A. Correct.

5 Q. -- is that right?

6 When you were put on the plane, you were blindfolded, were  
7 you not?

8 A. Yes.

9 Q. And could you see where you were?

02:28 10 A. I could see out the bottom of the blindfold if I lifted my  
11 head up like so (indicating).

12 Q. And you heard a woman on the plane, did you not?

13 A. Yes, I did.

14 Q. And you heard some children?

15 A. Yes.

16 Q. And someone asked, Are you okay, sister? referring to the  
17 woman --

18 A. Yup.

19 Q. -- right?

02:28 20 And the police or the soldiers came around and said, Shut  
21 up, shut up. Don't talk. I'll tape your eyes shut?

22 A. Correct.

23 Q. This was very frightening, was it not?

24 A. Yes.

25 Q. Very frightening and scary atmosphere?

1 A. Correct.

2 Q. Now, you -- as you said, you managed to sort of sneak a  
3 very small look out of the bottom of your blindfold, didn't  
4 you?

5 A. Yes.

6 Q. And when you did that, you saw a baby and a little girl?

7 A. Yes, I did.

8 Q. And those were your daughters, right?

9 A. Yes.

02:29 10 Q. And you were -- were you shocked to see them?

11 A. Yes, I was.

12 Q. Were you -- how did you feel?

13 A. I was quite distraught because -- I panicked because my  
14 wife was very protective of our children, and she was actually  
15 reluctant to even let family hold, like, the baby. And the  
16 fact that this woman was holding my daughter and had my other  
17 daughter made me panic. So I would keep on frantically looking  
18 to see where my wife was.

19 Q. What it indicated to you was that something had happened  
02:30 20 to your wife, didn't it?

21 A. Yeah.

22 Q. Because those little girls would have been on her lap,  
23 right?

24 A. Correct.

25 Q. And as you said, you were frantically looking around.

1 Were you trying to look for your wife?

2 A. Yeah. I figured -- as was her custom, she can get mouthy.  
3 So I had some hopes that maybe she mouthed off at an  
4 interrogator or one of the soldiers, and they just, you know,  
5 separated her from the children. At least that was my hope.

6 Q. And did you see your son on that plane?

7 A. No, I did not.

8 Q. Were you worried about him?

9 A. Yes.

02:30 10 Q. Now, when the plane landed, you managed to talk to one of  
11 these women, didn't you?

12 A. Yes.

13 Q. And you asked her, Do you know my wife? Do you know where  
14 my wife is?

15 A. Correct.

16 Q. And she reassured you. She said, Your daughters are fine;  
17 they are okay?

18 A. Correct.

19 Q. She really didn't answer you about your wife and your son,  
02:31 20 did she?

21 A. No.

22 Q. And that worried you as well, did it not?

23 A. Extremely so.

24 Q. Now, when you were taken off the plane, did you know where  
25 you were going?



1 A. No.

2 Q. Did you even know where the plane had landed?

3 A. I had an idea.

4 Q. Where did you think you were?

5 A. It was Nairobi because, again, I sneaked a peek and seen  
6 Nairobi Airlines.

7 Q. When you got off the plane, you were thrown to the ground  
8 on your knees, is that right?

9 A. Yes.

02:31 10 Q. You could hear cameras snapping and people around you?

11 A. Yes.

12 Q. Again, someone came up to you and asked you where you were  
13 from?

14 A. Yes, they did.

15 Q. Was that a soldier who asked you or some kind of official  
16 person?

17 A. I imagined he was from the embassy because he told me so.

18 Q. Was he speaking English?

19 A. Yes.

02:32 20 Q. It was someone from the American Embassy?

21 A. Yes.

22 Q. And you asked him, Is my family okay?

23 A. Yes.

24 Q. He left. He came back and he said, Your family is fine?

25 A. Yes.

1 Q. Now, you then -- were you then loaded into a truck again?

2 A. Yes, we were.

3 Q. And you were sent to a prison somewhere in Nairobi,  
4 correct, or near Nairobi, as far as you knew?

5 A. Correct, somewhere in Nairobi.

6 Q. And at that point, you were still barefoot?

7 A. Yes.

8 Q. Cold?

9 A. Yes.

02:32 10 Q. Malnourished?

11 A. Correct.

12 Q. Very dirty?

13 A. Extremely dirty.

14 Q. Extremely dirty. And you were thrown in a cell with about  
15 12 others, were you not?

16 A. Yes.

17 Q. It was very dirty?

18 A. Yeah.

19 Q. Again, one bucket to share as a toilet, right?

02:32 20 A. Correct.

21 Q. Do you remember that night that what you would do is just  
22 pray; each of you would stand and pray one after the other?

23 A. Yes.

24 Q. Now, as you were there, the police would pull you out and  
25 interrogate you, each of you, often, correct?

1 A. Yes.

2 Q. And this went on for how long?

3 A. Quite honestly, it seemed like forever.

4 Q. Okay.

5 A. Timewise is --

6 Q. Did you have windows? Did you know if it was daylight or  
7 nighttime?

8 A. Yeah. There was a little rectangular opening above with  
9 four, like, bars. It kind of looked like an old prison from  
02:33 10 one of those, like, cowboy movies.

11 Q. You could tell at least when night passed into day and day  
12 passed into night?

13 A. Yes.

14 Q. And many times you were threatened with death; they said  
15 they're just going to take you out and shoot you?

16 A. Yes.

17 Q. Or, We're going to send you back to Somalia?

18 A. That was on the plane.

19 Q. They also threatened to turn you over to the Ethiopians?

02:34 20 A. Equally, that was on the plane.

21 Q. On the plane. And you would ask -- you asked about your  
22 embassy, didn't you?

23 A. Yes, I did.

24 Q. And the response was, Your embassies know you are here;  
25 they don't care about you?

1 A. Yes.

2 Q. That was probably one of the most frightening things you  
3 heard of all, was it not?

4 A. Correct.

5 Q. That you were an American. There had been somebody from  
6 the embassy. You thought somebody knew you were there, right?

7 A. Correct.

8 Q. And they were nowhere to be found or nowhere to be seen?

9 A. Correct.

02:34 10 Q. And you had no idea what was going to happen to you at  
11 that point?

12 A. Correct.

13 Q. Now, while you were in this cell, you learned about your  
14 wife's death, didn't you?

15 A. Yes.

16 Q. And that was -- that was just awful, wasn't it?

17 A. Yes.

18 Q. Worst day of your life?

19 A. Without a doubt.

02:35 20 Q. And you jumped up and yelled for a guard, didn't you?

21 A. Yes.

22 Q. And you said, I just found out my wife has died. I need  
23 to know whether or not you have all of my kids. Your immediate  
24 attention and concern turned to your children, didn't it?

25 A. Yes.

1 Q. And the guard held up his nightstick and said, Move away  
2 from the room or I'm going to crack your head open, didn't he?

3 A. Correct.

4 Q. You must have been in great despair at that point?

5 A. I was.

6 Q. Now, Mr. Maldonado, do you know what I'm reading from and  
7 asking you about?

8 A. Yes.

9 Q. Okay. You wrote the story of what happened to you, didn't  
02:36 10 you?

11 A. Correct.

12 Q. And it's called, "My Imprisonment," right?

13 A. Yes.

14 Q. And you wrote this while you were in custody, is that  
15 correct?

16 A. Correct.

17 Q. And it was released on the internet, was it not?

18 A. Yes, it was.

19 Q. To your knowledge?

02:36 20 A. Yes.

21 Q. By the way, in your -- you're in federal custody now. Do  
22 you have access to the internet?

23 A. No.

24 Q. Do you have access to the website that allows you to look  
25 at federal courts?

1 A. Yes.

2 Q. Is there a name for that that you know?

3 A. I'm trying to remember the exact name. LexisNexis, I  
4 believe.

5 Q. And that allows you to look at different cases in federal  
6 court and what the writings and the documents are?

7 A. Yes.

8 Q. And you've been following Mr. Mehanna's case, haven't you?

9 A. Of course.

02:37 10 Q. Now, after time in this prison -- after some time in this  
11 prison and a few days after you had learned of your wife's  
12 death, you were pulled out of your cell and blindfolded again,  
13 were you not?

14 A. Yes.

15 Q. And you were shackled?

16 A. Yes.

17 Q. Your ears were muffled? Were you given earplugs or  
18 earphones?

19 A. Strangely enough, it was earplugs and then earmuffs.

02:37 20 Q. Earplugs and then earmuffs. And a bag was put over your  
21 head, correct?

22 A. Yes.

23 Q. So you could not see where you were going?

24 A. I had no idea.

25 Q. And what did you think was going to happen?

1 A. At first, I was somewhat clueless. But when the -- I  
2 could feel the car moving. And when the car suddenly went  
3 off-road and it felt like a dirt road, I just figured they're  
4 going to shoot me.

5 Q. You figured you're dead?

6 A. Yes.

7 Q. And you repeated the Islamic prayer, Testimonies of Faith,  
8 again and again and again in that car ride, didn't you?

9 A. Yes.

02:38 10 Q. And when you got out of the car and when the bag was taken  
11 off your head, you were in a house with the FBI?

12 A. Actually, before that, to be more specific -- my story  
13 doesn't always, of course, get into the very details. Right  
14 before that, in, like, maybe the garage or whatever, they  
15 lifted the bag off my head and took the earplug thing off, and  
16 a gentleman said that he was from the embassy. And then they  
17 brought me to wherever they brought me.

18 Q. I didn't hear the last --

19 A. Then they brought me to wherever it was they brought me,  
02:39 20 the safe house or wherever it was.

21 Q. You must have been tremendously relieved?

22 A. Yeah.

23 Q. You ended up eventually in a safe house where the FBI  
24 questioned you, correct?

25 A. Correct.

1 Q. And do you recall the first time -- do you recall the  
2 first time that you were questioned?

3 A. Some of it, yeah.

4 Q. Do you recall the first date?

5 A. The date?

6 Q. Yes.

7 A. No.

8 MS. BASSIL: Your Honor, I'm -- what I'd like to do is  
9 give the witness -- these are the interviews, and I just want  
02:39 10 him to be able to refresh his memory as to date and place.

11 THE COURT: Any objection if they're available to him?

12 MR. GROHARING: No, your Honor.

13 THE COURT: No. Okay.

14 Q. Mr. Maldonado, I'm going to hand you a stack of papers,  
15 all right? And you'll see on these papers that there is a date  
16 on the top, and it talks about an interview and where the  
17 interview is and who was doing the interview, all right?

18 A. Okay.

19 Q. So I'm going to ask you questions about these. And we're  
02:40 20 going to go fairly quickly, all right, so bear with me.

21 MS. BASSIL: Your Honor, I'd like to be able to use  
22 the ELMO.

23 THE COURT: Okay. You're just going to make a chart  
24 or chalk or something?

25 MS. BASSIL: Yes.



1 THE COURT: Okay.

2 MS. BASSIL: Does the jury have it?

3 THE COURT: They should.

4 Q. Now, Mr. Maldonado, the first time you were questioned in  
5 this case was on 1/27/07, is that correct?

6 A. 1/27/07, yes.

7 Q. And that was in Nairobi, Kenya?

8 A. Correct.

9 Q. And at that time, when you were first questioned, what did  
02:41 10 you understand about your legal situation?

11 A. I understood I was in quite a bit of trouble.

12 Q. They told you you were in quite a bit of trouble, is that  
13 correct?

14 A. Yes.

15 Q. I want to ask you: When you had been fighting in -- or  
16 when you had been in Somalia, you had not fought against any  
17 Americans, is that correct?

18 A. No.

19 Q. And you had not -- you had not killed anyone, is that  
02:42 20 correct?

21 A. No.

22 Q. What did you understand that you were in quite a bit of  
23 trouble?

24 A. My associations.

25 Q. Now, at that interview, you made some statements -- you

1 made some immediate statements to those interviewers, correct?  
2 You told them that September 11th was terrible and not  
3 justified, correct?

4 A. Correct.

5 Q. And you told them that if someone invaded Mecca, it  
6 justified Jihad, correct?

7 A. Correct.

8 Q. And you said these things, in fact, because you wanted the  
9 FBI or the Americans or the embassy to protect you from the  
02:42 10 situation you were in, did you not?

11 A. Yes.

12 Q. In fact, would it be fair to say that you really wanted to  
13 get out of that jail in Kenya that you were in?

14 A. Yes.

15 Q. And you certainly wanted to be taken care of by Americans,  
16 did you not?

17 A. Yes.

18 Q. You felt that that was the safest place that you could be?

19 A. Correct.

02:43 20 Q. And, also, by the way, when you were in that safe house  
21 and being questioned in Nairobi, did you ask them about, Where  
22 are my children; can you help me get my children?

23 A. Yes.

24 Q. And what was your understanding at that point of where  
25 your children were?

1 A. At the very beginning, they really didn't give me much  
2 information about my children, at the very, very beginning.

3 Q. When you first came into that house?

4 A. Yeah.

5 Q. Did they tell you they were safe or that they had them or  
6 anything like that?

7 A. I don't really recall.

8 Q. Okay. So as far as you knew, the last thing you saw of  
9 your two daughters were they were on a plane being run by the  
02:43 10 Kenyan military and who knows where they were?

11 A. Right.

12 Q. Now, if we could go -- you were interviewed the next day,  
13 is that correct?

14 A. If I remember correctly, yes, somewhere in the papers.

15 Q. If you go to the next -- after the blue page.

16 A. Forgive me.

17 Q. Have you got that?

18 A. Yes.

19 Q. So the second time you were interviewed was on January  
02:44 20 28th, is that right?

21 A. Correct.

22 Q. And that also was in Nairobi?

23 A. Yes.

24 Q. Now, that first interview, how long was that, if you  
25 remember?

1 A. I do not recall.

2 Q. Okay. More than a couple of hours?

3 A. Yes.

4 Q. In fact, was that first interview, I'm sorry, about 12  
5 hours, from 6 a.m. to 6 p.m.?

6 A. As I said, I do not recall myself.

7 Q. Do you remember it being lengthy?

8 A. It was lengthy.

9 Q. By the way, did they feed you while you were there?

02:45 10 A. Yes.

11 Q. Did they have a fully-stocked refrigerator?

12 A. Yes.

13 Q. Did they also ask you if you wanted to take a shower?

14 A. Yes.

15 Q. Were you able to take a shower?

16 A. I was.

17 Q. Had you been able to take a shower that entire time you  
18 were in that Kenyan jail?

19 A. No.

02:45 20 Q. So for the first time, you felt kind of human, didn't you?

21 A. Yes.

22 Q. And you certainly were grateful to them for feeding you  
23 and letting you take a shower?

24 A. Correct.

25 Q. And also indicating to you that there might be more

1 information about your children?

2 A. Yes.

3 Q. Were you desperate at that point about what had happened  
4 to your kids?

5 A. Extremely.

6 Q. Not only were you desperate about what happened to your  
7 kids, but it must have hit you that you were now their sole  
8 parent?

9 A. Yes.

02:45 10 Q. And your wife had been devoted to the kids, hadn't she?

11 A. Very much so.

12 Q. Now, were you also worried, by the way, about the effect  
13 of what your children might have seen or what they might have  
14 witnessed?

15 A. Very much so.

16 Q. And you certainly didn't know what had happened to them  
17 along the way?

18 A. I had no idea at that point.

19 Q. Now, the next -- by the way, when I asked you about this  
02:46 20 first interview on the 27th, you also told the agents you were  
21 not an Wahabist; do you remember telling them that?

22 A. Yes.

23 Q. As I understand it, a Wahabist is someone -- this is a  
24 certain -- very conservative view of Islam, is that correct?

25 A. Correct.

1 Q. This is a form of Islam that is really practiced -- it is  
2 practiced everywhere, but it really was originated and was  
3 spread by Saudi Arabia, is that correct?

4 A. Correct.

5 Q. When you said to them, I'm not a Wahabist, you wanted them  
6 to think, I'm not somebody who's orthodox or extremist or  
7 radical?

8 A. Yes.

9 Q. You wanted to please them?

02:47 10 A. Correct.

11 Q. You also told them, I don't believe in Jihad, that first  
12 day?

13 A. Correct.

14 Q. For the same reason, correct?

15 A. Yes.

16 Q. You would do anything -- well, you wanted them to treat  
17 you well, to help you, and help you find your children, didn't  
18 you?

19 A. Correct.

02:47 20 Q. Now, that first interview, you did talk to them about  
21 Somalia, correct?

22 A. Correct.

23 Q. And you also told them that the only gun you had ever  
24 fired in your life was the Glock you talked about, the pistol  
25 you had back in New Hampshire or -- you were in Methuen, I

1 think, right?

2 A. New Hampshire.

3 Q. New Hampshire, correct?

4 A. I didn't have a license in Methuen.

5 Q. You had a license for that gun in New Hampshire and you  
6 were very careful, correct?

7 A. Yes.

8 Q. In fact, you were not somebody who had been in trouble  
9 with the law, were you?

02:48 10 A. No, I was not.

11 Q. All right. You were somebody who you -- you were never --  
12 you were never in a gang or anything like that?

13 A. No.

14 Q. Okay. Now, you were asked by the agents to write out your  
15 story, and you did, did you not, in handwriting?

16 A. Correct.

17 Q. And you talked about how you moved your family to Somalia  
18 because you wished to live as a Muslim without any problem?

19 A. Correct.

02:48 20 Q. You wanted to practice?

21 A. Yes.

22 Q. Have a beard?

23 A. Yup.

24 Q. Your wife wore what's called a hijab, correct?

25 A. Depending on your interpretation of it.

1 Q. All right. Tell me -- your wife wore -- she covered her  
2 head, did she not?

3 A. Her face.

4 Q. Her whole face. So she wore -- the head covering is  
5 called a hijab, right?

6 A. Correct.

7 Q. What else is it called that she wore to protect her  
8 modesty?

9 A. Niqab.

02:49 10 Q. Can you spell that for me?

11 A. N-i-q-a-b -- q-a-b.

12 Q. That's a Q. That's my Q.

13 A. To each his own.

14 Q. By niqab --

15 A. Niqab.

16 Q. Niqab. That's the part that covers the bottom half of the  
17 face?

18 A. Correct.

19 Q. And your wife wore this of her own choice?

02:49 20 A. Yes.

21 Q. And, in fact, your wife was a convert to Islam as well,  
22 was she not?

23 A. Yes. We converted at the same time.

24 Q. In fact, you and your wife met when you were teenagers?

25 A. Yes.



1 Q. And you married when you were 19?

2 A. Yes, we did.

3 Q. And so what you told those agents that first day, bringing  
4 you back, that you said the only gun you'd ever fired was this  
5 gun you owned in New Hampshire, correct?

6 A. Correct.

7 Q. What you meant by that, you used to have target practice,  
8 correct?

9 A. Yes.

02:50 10 Q. You weren't about shooting that gun randomly?

11 A. No.

12 Q. And when you told the agents that, that meant that you  
13 never had fired a gun in Somalia, is that correct?

14 A. Correct.

15 Q. And that was true, was it not?

16 A. It is true.

17 Q. Yeah. You talked to the jury about how you had learned to  
18 break down and reassemble the gun that you had, but you never  
19 actually shot it?

02:50 20 A. No. I contracted malaria before that type of training.

21 Q. You contracted malaria. And then by the time you were  
22 involved in anything, the Ethiopians invaded, and you were  
23 fleeing through the jungle, correct?

24 A. Correct.

25 Q. And the Ethiopians invaded on December 20, 2006, did they

1 not, the day after your birthday?

2 A. Yeah. They declared the invasion, if I'm correct, on my  
3 birthday. The actual invasion took place the day after.

4 Q. You told the agents, and you wrote out your history, that  
5 you moved to Somalia because you wanted to live as an Islam --  
6 as a Muslim?

7 A. Correct.

8 Q. And, in fact, even though you had been in Egypt, living in  
9 a Muslim country, Egypt was not all that receptive to people  
02:51 10 who had beards and women who covered themselves, correct?

11 A. Correct.

12 Q. There was some suspicion of people who acted -- who  
13 dressed in that manner?

14 A. Yes, although people dressed in that manner.

15 Q. And, also, you were a foreigner in Egypt, correct?

16 A. Correct.

17 Q. And that also -- it made you somewhat uncomfortable, did  
18 it not?

19 A. When it came to the authorities, yes.

02:51 20 Q. In fact, you told the agents that the Egyptian authorities  
21 were concerned about anyone who looked and acted Islamic?

22 A. Correct.

23 Q. That was true?

24 A. Yes.

25 Q. Now, you thought about going -- you had thought about

1 leaving Egypt and going to Dubai, had you not?

2 A. Yes.

3 Q. But then you had heard about Somalia, all right. I'm  
4 going to get to that in a bit.

5 But you wrote out a three- or four-page statement,  
6 handwritten, did you not?

7 A. Yes, I did.

8 Q. And then after you wrote it out -- I'm sorry. Let me  
9 strike that.

02:52 10 You wrote the whole thing out, didn't you?

11 A. Yes, I did.

12 Q. After you wrote out that statement, did the agents talk to  
13 you or did you learn anything about this quite a bit of trouble  
14 that you were in?

15 A. At the very outset, not really. They just had me write  
16 the letter about what my purpose is in Somalia. It was not  
17 until after the letter that more questions actually came and  
18 more answers.

19 Q. Was that in that same first interview?

02:53 20 A. The letter?

21 Q. Yeah.

22 A. To my recollection, yes.

23 Q. And then there were questions after you wrote that out?

24 A. Yes.

25 Q. Now, at some point -- at some point, you ripped up the

1 last page of that letter, is that correct?

2 A. Yes.

3 Q. Was that that first interview or the second interview?

4 A. First.

5 Q. First?

6 A. To my recollection, yes, the first.

7 Q. Now, at the end of that interview, you tore up the last  
8 page, and you started to talk -- give them more information  
9 about people you had met while you were in these various houses  
02:53 10 in Somalia, correct?

11 A. Correct.

12 Q. And they were quite interested, were they not, in who was  
13 there and particularly foreigners?

14 A. Yes.

15 Q. Now, at that point, after you had talked about that, was  
16 there any mention of what would happen to you, any discussion  
17 of a deal, of charges, anything like that?

18 A. It wasn't till well after that day, but --

19 Q. After -- I'm sorry.

02:54 20 A. It wasn't until well after that day, the first day.

21 Q. Now, that night, that night, before this first and second  
22 interview, you saw your daughter, didn't you?

23 A. Both my daughters.

24 Q. Both your daughters. How did you come to see your  
25 daughters?

1 A. Well, I was taken from the prison that I was in with the  
2 rest of my comrades and brought to another prison after the  
3 interview. And I had been told that they had two little girls  
4 in their custody that they believed were my daughters.

5 Q. When you said you were -- who told you that?

6 A. The Kenyans.

7 Q. The Kenyans. Who brought you to the second prison?

8 A. It was both the Americans and the Kenyans. I believe, if  
9 -- I was blindfolded, but if I'm correct, the Americans had  
02:55 10 told them to bring me somewhere, to where my daughters were.

11 Q. And you were able to see and hold your daughters?

12 A. Yes.

13 Q. And at that point, you learned the circumstances of your  
14 wife's death, did you not?

15 A. No. I had already learned them, my wife's death.

16 Q. Did you learn that she had been sick and she had slept on  
17 the ground?

18 A. I learned more specifics. I don't remember anything about  
19 sleeping on the ground.

02:55 20 Q. When you learned the more specifics, you were somewhat  
21 angry that your wife had not been better taken care of?

22 A. Yes.

23 Q. You were angry at what you would call "the brothers" in  
24 Somalia?

25 A. Yeah.

1 Q. Now, in that first interview on January 27, 2007, you did  
2 not mention Tarek Mehanna, did you?

3 A. In the first interview?

4 Q. Yes.

5 A. No.

6 Q. And in the second interview on January 28, 2007, you did  
7 not mention Tarek Mehanna, did you?

8 A. Not to my recollection, no.

9 Q. And the next interview was on the 29th, is that correct?

02:56 10 A. Yes.

11 Q. And that -- and there was no mention of Tarek Mehanna in  
12 that interview, was there?

13 A. Not to my recollection.

14 Q. And the next interview was on the 31st, is that correct?  
15 I'm sorry, the 30th, if you look at the bottom of the page, if  
16 that refreshes your memory.

17 A. Correct.

18 Q. And that was in Nairobi as well?

19 A. Yes.

02:56 20 Q. And do you remember at that time being asked any questions  
21 or saying anything about Tarek Mehanna?

22 A. To be honest with you, I don't remember exactly at what  
23 date that was brought up.

24 Q. Do you remember telling the agents that you had two  
25 immediate friends: Tarek Mehanna and Omar Hamammi?

1 A. I remember mentioning this, yes.

2 Q. And that was the only thing you mentioned about Tarek  
3 Mehanna, is that right?

4 A. Correct.

5 Q. Now, your next interview was on February 1, 2007, is that  
6 correct?

7 A. Correct.

8 Q. And do you recall that you had been questioned about  
9 something about swearing allegiance in Somalia?

02:57 10 A. Yes, I remember this.

11 Q. Was there an interview that focused on that?

12 A. Yes.

13 Q. And was that interview on the 31st, do you know?

14 A. I don't recall, but -- if the transcripts say so, maybe.

15 MS. BASSIL: If I may point the witness to a  
16 particular place, your Honor?

17 THE COURT: Go ahead.

18 Q. If you just read this last paragraph to yourself.

19 A. (Reading). Yes.

02:59 20 Q. Do you think there was an interview between the 30th and  
21 the 1st, between January 30th and February 1st?

22 A. I wouldn't be able to recall, honestly.

23 Q. The next interview that you had after that was on February  
24 3rd, was it not?

25 A. Correct.

1 Q. And that was in Nairobi?

2 A. Yes.

3 Q. By "interviews," I mean that the FBI questioned you, more  
4 than one agent, correct?

5 A. Yes.

6 Q. One or two agents, perhaps more?

7 A. Yes.

8 Q. And where would you sit when they questioned you?

9 A. In a chair.

02:59 10 Q. In a chair. Was there a table; was there food?

11 A. No. When the questioning was happening, there was --  
12 looked like a hotel room almost, like. They would sit on the  
13 bed or on chairs across from me, and I would sit in a single  
14 chair, much like now.

15 Q. And just talk?

16 A. (No response.)

17 Q. And they would intersperse -- I'm sorry. The stenographer  
18 needs you to say -- when I asked you if you would just talk,  
19 she needs you to say yes or no so she can record it.

03:00 20 A. Yes.

21 Q. She looked at me, so --

22 And these questions back and forth, your talking, this  
23 could go on for hours, is that correct?

24 A. Yes.

25 Q. And they -- you answered every question they asked you,



1 correct?

2 A. Correct.

3 Q. And you volunteered information as well. And from that,  
4 they would ask you more questions?

5 A. Correct.

6 Q. Now, the next interview was on February 9th, is that  
7 correct?

8 A. Yes.

9 Q. And do you recall that this was very short? This was  
03:00 10 while you were on a plane; do you remember that?

11 A. Not so much. Maybe if I read it.

12 Q. Let me see if I can help you with that.

13 MS. BASSIL: May I approach, your Honor?

14 Q. If you would read that first paragraph to yourself.

15 A. (Reading). Okay.

16 Q. And at that time, you said one thing about Tarek Mehanna:  
17 You had met him through Ahmad Abousamra?

18 A. Yes.

19 Q. And you said that when you talked to Mehanna about PB and  
03:01 20 J, he was getting soft, and he did not want to talk about  
21 Jihad --

22 A. Correct.

23 Q. -- is that correct?

24 And that he visited you in Egypt during the summer of  
25 2006. Now, did you see him in the summer of 2006?

1 A. Yes.

2 Q. And you went to book stores on two separate occasions?

3 A. Correct.

4 Q. Went to his parents' home, correct?

5 A. Yes.

6 Q. And you talked to him about wanting to go to Somalia, but  
7 you did not talk about Jihad; isn't that what you told the  
8 agents?

9 A. I don't really remember.

03:02 10 Q. On that particular flight, you were in great despair, were  
11 you not?

12 A. Yes.

13 Q. You told the agents you felt like killing yourself because  
14 you were going to jail, and you would never see the light of  
15 day?

16 A. Correct.

17 Q. Do you remember saying that?

18 A. Yes.

19 Q. Now, your next interview was on February 10th, is that  
03:02 20 correct?

21 A. Correct.

22 Q. At that time, you were asked some questions about Tarek  
23 Mehanna, were you not?

24 A. Yes.

25 Q. And at that time, you told the agents that Ahmed Abousamra

1 had said something to you about, Don't be jealous, correct?

2 A. Yes.

3 Q. And you told them that Tarek and Ahmed may have studied  
4 with -- and I'm going to -- I'm not sure if this is written  
5 correctly, but Abul Hasan al-Ma'ribi?

6 A. Ma'ribi.

7 Q. Ma'ribi?

8 A. Ma'ribi, yes.

9 Q. And this particular person, Abul Hasan Ma'ribi, was a  
03:03 10 student of Shaykh Muqbil, correct?

11 A. Correct.

12 Q. And Muqbil was a scholar in Yemen, was he not?

13 A. Yes.

14 Q. And he was very much -- when you were talking before, he  
15 was very much a part of what they called an apolitical school  
16 of Salafi?

17 A. Yes.

18 Q. He did not talk about politics; he did not talk about  
19 Jihad, correct?

03:03 20 A. Correct.

21 Q. In fact, you knew that he even said that basically he  
22 despised Osama bin Laden and wanted nothing to do with him?

23 A. Correct.

24 Q. Now, you also told the agents that Tarek and Ahmed said  
25 that they found the city of Dubai to be very upsetting. They

1 saw prostitutes. They saw things that were kind of disgusting,  
2 right?

3 A. Correct.

4 Q. And that was all you said about Yemen, correct?

5 A. Correct.

6 Q. Nothing about Tarek going to Yemen for military training,  
7 correct?

8 A. Correct, to the best of my recollection, yeah.

9 Q. Your next interview was on February 11th, is that correct?

03:04 10 A. Yes.

11 Q. By the way, do you know the next interview was in  
12 Djibouti, correct?

13 A. Correct.

14 Q. And how long was the plane ride on the 9th?

15 A. It wasn't that long.

16 Q. So when you were interviewed after you got off the plane,  
17 that was also in Djibouti?

18 A. I imagine so.

19 MS. BASSIL: And I'm just going to put up a map for a  
03:05 20 minute so the jury can see this if I may, your Honor.

21 Q. Now, this is Somalia right here, correct?

22 A. Correct.

23 Q. And Djibouti is over here, correct?

24 A. Correct.

25 Q. And, in fact, the Kenyan border is here, right?

1 A. Yes.

2 Q. Okay. And this is Ethiopia over here?

3 A. Correct.

4 Q. Now, you were interviewed in -- back to this 9th  
5 interview, you were interviewed in Djibouti, and you were  
6 interviewed by at least one agent, Mr. Gutierrez, is that  
7 correct?

8 A. Yes.

9 Q. The next time you were interviewed was on March 12th. And  
03:06 10 you were now in the United States, in Houston; do you recall  
11 that?

12 A. Yes.

13 Q. And at that point, you were assigned a lawyer, correct?

14 A. Yes.

15 Q. You had a federal public defender represent you?

16 A. Yes.

17 Q. By the way, you know that me, Mr. Carney, we're public  
18 defenders for Mr. Mehanna?

19 A. Correct.

03:06 20 Q. Now, there was no mention of Tarek Mehanna in that  
21 interview on March 12th, was there?

22 A. Not to my knowledge.

23 Q. And then you were interviewed -- the 11th interview was on  
24 April 25th, again in Houston, was it not?

25 A. Let me see. Do forgive me.

1 Q. I'm sorry. Can I help you with that?

2 A. No. I got it. 4/25.

3 Q. 4/25. And there was no mention of Tarek Mehanna in that  
4 interview, was there? I'm sorry. Actually, if you would look  
5 at the back page, there was some discussion about Tarek Mehanna  
6 and Ahmad Abousamra, is that correct?

7 A. I guess.

8 Q. And you did talk, if you would look -- you talked briefly  
9 about them going to Yemen and said that they went to a school,  
03:08 10 is that correct?

11 A. This is on 4/25, you said?

12 Q. Yes. Do you have a memory of that?

13 A. To be honest with you, I'm a little cloudy on a lot of the  
14 interviews I had. I guess if it's inside of the --

15 MS. BASSIL: If I may approach the witness, your  
16 Honor?

17 Q. I was wrong. This was an interview, I'm sorry, on 4/26,  
18 is that correct?

19 A. Correct.

03:09 20 Q. So let's go to the next page. This was the 12th interview  
21 that you had on 4/26, is that right?

22 A. Yes.

23 Q. And at that time, you talked about Tarek Mehanna and said  
24 they attended a school of someone with whom they did not agree,  
25 although you could not recall the name of that individual,

1 correct?

2 A. Correct.

3 Q. And nothing about Tarek Mehanna going for military  
4 training, correct?

5 A. I have to look.

6 Q. And the next interview that you had was on April 27th, is  
7 that right?

8 A. Yes.

9 Q. In that interview on April 27th -- let's see -- Mr.  
03:10 10 Chakravarty and Mr. Auerhahn were there, correct?

11 A. Could you say that one more time?

12 Q. The two prosecutors on the end here were at that interview  
13 in Houston?

14 A. Okay.

15 Q. And the two agents on the case, Heidi Williams and Tom  
16 Daly, were there as well, correct?

17 A. Correct, yes.

18 Q. And they did ask you questions about Tarek Mehanna, did  
19 they not?

03:10 20 A. Yes.

21 Q. In that particular interview, you told them that when  
22 Tarek came back, you asked him what happened and he said,  
23 Nothing, correct?

24 A. Correct.

25 Q. You said nothing about he told me he was looking for

1 military training. You said nothing about he was looking to  
2 connect with somebody, correct?

3 A. I have to look at the transcript, but --

4 Q. All right.

5 A. I suppose so.

6 Q. Well --

7 MR. GROHARING: Your Honor, I object. The defense is  
8 permitted to refresh the witness' memory, but it's not his  
9 transcript.

03:11 10 MS. BASSIL: I'm going to do that. I'll correct that.

11 THE COURT: Wait a minute. It's okay to point to a  
12 particular thing and see if it refreshes.

13 MS. BASSIL: That's what I was going to do.

14 THE COURT: So you can direct him within the document.  
15 It's a long document. So he can be directed within the  
16 document. But the question is whether it refreshes his memory  
17 and, having been refreshed, he can testify from his memory.

18 MS. BASSIL: Right. I understand. If I may approach  
19 the witness, your Honor, and point to a specific page?

03:12 20 THE COURT: You may.

21 Q. Mr. Maldonado, what you're looking at are reports, are  
22 they not?

23 A. Yes.

24 Q. They're not actual transcripts of an interview with you,  
25 correct?



1 A. Correct.

2 Q. Let me make sure I've got the right date. You're ahead of  
3 me.

4 MS. BASSIL: If I may approach, your Honor?

5 Q. I'm actually going to show you my copy of this. Do you  
6 recall -- does this refresh your memory as to the date you were  
7 interviewed?

8 A. As far as dates go, honestly, it was all a blur.

9 Q. But you recall being interviewed in Houston?

03:13 10 A. Quite a few times, yeah.

11 Q. Quite a few times. And when Mr. Chakravarty and Mr.  
12 Auerhahn and these two prosecutors were present, they asked you  
13 about Tarek Mehanna and Ahmad Abousamra, correct?

14 A. Yes.

15 Q. They were not interested in people you had met in Somalia  
16 or foreign fighters or anything of that nature?

17 A. Correct.

18 Q. On this particular -- on this particular occasion, you  
19 were asked about what Tarek Mehanna had said to you when you  
03:14 20 came back -- when he came back from Yemen, correct?

21 A. Correct.

22 Q. And if you would read this to yourself and see if that  
23 refreshes your memory. Sure, you can pick it up.

24 A. (Reading). Okay.

25 Q. Does that refresh your memory as to whether or not Tarek

1 Mehanna ever said anything to you about military training or  
2 connecting to Iraq?

3 A. That particular instance?

4 Q. Yes.

5 A. At the time, when they had interviewed me, you have to  
6 remember that I obviously went through a lot. So some of my  
7 recollections, just as they are now, are a little cloudy, and  
8 they would sometimes have to ask me a few things to see if I  
9 remembered to refresh my memory.

03:15 10 Q. In fact, when you were asked on April 27th, the 13th time  
11 you were interviewed by the FBI, your -- you said nothing about  
12 Tarek Mehanna looking for military training in Yemen, is that  
13 correct?

14 A. I suppose so. I'm not -- as I said, dates are still shady  
15 to me.

16 Q. I understand. But this was in 2007 that you were  
17 interviewed, correct?

18 A. Yes.

19 Q. This was basically almost four years ago, three and a half  
03:16 20 years ago -- well, more than three years ago, correct?

21 A. Correct.

22 Q. Would you say your memory was certainly better closer to  
23 the period in time than it is now?

24 A. As far as period of time, but as -- you know, some things,  
25 when you go over them, you remember them off and on thinking

1 back, given that I had some time to think about it.

2 Q. Now, you were interviewed again on May 22nd in Houston,  
3 were you not?

4 A. I suppose so.

5 Q. Nothing was mentioned about Tarek Mehanna. They were  
6 interested in questioning you about your experiences in  
7 Somalia, correct?

8 A. Correct.

9 Q. And you were interviewed on June 28th, is that correct?

03:17 10 A. Let me see. June 28th?

11 Q. Yes.

12 A. Yes.

13 Q. And nothing was said about Tarek Mehanna on June 28th, is  
14 that correct?

15 A. Not to my recollection.

16 Q. The next time you were interviewed, the 16th interview,  
17 was on July 17th, is that correct, in Houston?

18 A. Correct.

19 Q. And nothing was mentioned about Tarek Mehanna and Yemen in  
03:17 20 that interview, was there?

21 A. Not to my recollection.

22 Q. The 17th interview you had was on October 4, 2007,  
23 correct? And that was at an undisclosed location --

24 A. Okay.

25 Q. -- correct?

1 A. I guess.

2 Q. And nothing -- well, it's blacked out, correct?

3 A. A lot of it is blacked out.

4 Q. Right. But nothing in that interview -- there's nothing  
5 in that interview in which you talked about Tarek Mehanna and  
6 his going to Yemen?

7 A. I would not remember, not to my recollection.

8 Q. And the next time you were interviewed was on January 23,  
9 2008, in Houston?

03:18 10 A. Yes.

11 Q. And there is nothing in that interview that indicated that  
12 you talked about anything, as you may recall, about Tarek  
13 Mehanna or going to Yemen?

14 A. Not to my recollection.

15 Q. The next time you were interviewed, your 19th interview,  
16 was in Houston. And that was on February 28th, is that  
17 correct?

18 A. Yes.

19 Q. And, again, there is nothing in that interview in which  
03:19 20 you talked about Tarek Mehanna and going to Yemen?

21 A. Not to my recollection.

22 Q. And your 20th interview with the FBI was actually in  
23 Boston, on November 19th, was it not?

24 A. Yes.

25 Q. So almost about four years ago to the day. And that was

1 with these same two United States attorneys, with Heidi  
2 Williams, Tom Daly, and a special agent?

3 A. Correct.

4 Q. And there was nothing in that interview about Tarek  
5 Mehanna going to Yemen for military training or to connect to  
6 fighting, correct?

7 A. I guess.

8 Q. The next time you were interviewed was on April 14th in  
9 New York, is that right?

03:20 10 A. Correct.

11 Q. And there was nothing in that interview about Tarek  
12 Mehanna and going to Yemen, correct?

13 MR. GROHARING: Your Honor, I object. I would just  
14 ask if counsel could ask the witness what he recalls as opposed  
15 to what's --

16 MS. BASSIL: I'll rephrase it.

17 THE COURT: Okay. Rephrase it.

18 MS. BASSIL: I definitely will rephrase it.

19 Q. Mr. Maldonado, after looking at that document, does that  
03:20 20 refresh your memory as to whether you said anything about Tarek  
21 Mehanna going to Yemen, looking for military training, looking  
22 to connect to fighting?

23 A. To be quite honest with you, this is quite a large  
24 document, and for me to even look at more than a few paragraphs  
25 is -- I don't think anything would really help. I mean, we're

1 on a time limit, I understand, and we're flipping through the  
2 pages so quickly.

3 Q. Go ahead and read it. I don't want to cut you off.

4 A. April 14th?

5 Q. This would be the interview -- yes, on April 14th. Just  
6 to yourself.

7 A. (Reading). Okay. So what is the question?

8 Q. Is there -- do you recall in that interview whether you  
9 said anything about Tarek Mehanna, military training, looking  
03:21 10 to connect to fighting?

11 A. I do not recall.

12 Q. You do not recall -- it doesn't refresh your memory or you  
13 didn't say it?

14 A. I don't recall.

15 Q. Now, finally -- you should be -- are you at the last?

16 A. I'm at the last one.

17 Q. The 22nd interview you had was May 13, 2011, is that  
18 correct?

19 A. Correct.

03:21 20 Q. So that was this past spring?

21 A. Correct.

22 Q. Where you were was -- it's blacked out, undisclosed,  
23 correct?

24 A. Correct.

25 Q. And at that time, that's when you suddenly remembered that

1 Tarek Mehanna was wanting to go to Yemen to connect to some  
2 kind of training, correct?

3 A. I guess so, yeah.

4 Q. Okay. Now, let me talk -- I want to talk a bit -- so I  
5 want to talk a bit about the plea bargain that you made. You  
6 pled guilty on April 19, 2007, to receiving military-type  
7 training, as you said, correct?

8 A. Yes.

9 Q. And that had a maximum sentence of ten years?

03:22 10 A. Correct.

11 Q. And you were given those ten years, were you not?

12 A. Yes.

13 Q. Now, what you were first charged with, which you've talked  
14 about, was conspiring to use a weapon of mass destruction, that  
15 is, a bomb, correct?

16 A. Yes, correct.

17 Q. And not only did that carry a maximum sentence of life,  
18 but if death resulted, it could be punished by the death  
19 penalty, correct?

03:23 20 A. Correct.

21 Q. Now, at that time, in April of 2007, you certainly -- and  
22 I think it was one of the first things you said here -- you had  
23 three children to take care of, with no other parent, correct?

24 A. Correct.

25 Q. You certainly were heartbroken over the loss of your wife?

1 A. Of course.

2 Q. Still are?

3 A. Very much so.

4 Q. You were certainly worried about your children?

5 A. Yes.

6 Q. And your children at some point were turned over to your  
7 parents, correct?

8 A. Correct.

9 Q. And you signed papers for them to have legal custody of  
03:23 10 your children?

11 A. Correct.

12 Q. But you were very worried about your parents' ability to  
13 raise the children as Muslims?

14 A. Yes.

15 Q. And, in fact, do you recall writing to Tarek Mehanna while  
16 you were in custody?

17 A. Yes.

18 Q. Do you recall writing to him on May 29th before you were  
19 actually sentenced?

03:24 20 A. Not the exact date, but I recall writing to him before I  
21 was sentenced.

22 MS. BASSIL: I'm going to see if this refreshes his  
23 memory, Group 1, Page 10.

24 Q. Do you want me to take these back so they're out of your  
25 way?



1 A. If you will.

2 Q. Mr. Maldonado, do you recognize these documents?

3 A. Yes.

4 Q. And what are these?

5 A. My letters.

6 Q. When did you write these -- where were you when you wrote  
7 these letters?

8 A. In custody in Texas.

9 Q. Okay. When you pled guilty on April 19, 2007, you weren't  
03:25 10 sentenced right away, is that correct?

11 A. No.

12 Q. There's a whole investigation, and then you have to wait  
13 to be sentenced?

14 A. Correct.

15 Q. And do you recognize this letter?

16 A. Yes.

17 Q. This is your handwriting, all right. And if you would  
18 read this to yourself, this paragraph.

19 A. (Reading). Yes.

03:26 20 Q. Does that help you as to the date that you wrote that  
21 letter?

22 A. I know it was before my sentencing.

23 Q. All right.

24 A. When it comes to dates, I'm really the last person --

25 Q. If you would look at this line.

1 A. Yes.

2 Q. Does that help refresh your memory as to when you wrote  
3 the letter?

4 A. Well, it says right there, "May 29th."

5 Q. So that was May 29 of 2007, before you were sentenced?

6 A. Correct.

7 Q. Now, one of your great concerns and one of the reasons you  
8 were entering into this agreement with the government was about  
9 your children --

03:26 10 A. Yes.

11 Q. -- correct?

12 You were worried about being placed in federal custody far  
13 from your children?

14 A. Correct.

15 Q. And you wanted to be there for your children and to be  
16 able to raise them in some fashion, did you not?

17 A. Yes.

18 Q. And when you were in Texas, you were not able to see your  
19 children, were you?

03:27 20 A. No.

21 Q. The distance was too far and too costly for your family to  
22 bring them there, correct?

23 A. Correct.

24 Q. And one of your great concerns prior to your sentencing  
25 was where you would be assigned to serve your sentence,

1 correct?

2 A. Correct.

3 Q. And the place you believe you were going to be assigned  
4 was in Terre Haute, Indiana, correct?

5 A. Correct.

6 Q. And not only were you -- one of your great concerns was  
7 that it was so far from your family, right? And your family  
8 lives in New Hampshire?

9 A. Yes.

03:27 10 Q. It was so far from your family that they would not be able  
11 to afford to bring your children to see you, correct?

12 A. Correct.

13 Q. And that you understood the rules in that federal prison  
14 to be that if they did get the ability to see you, it would be  
15 for two hours in one week, correct?

16 A. Yes, correct.

17 Q. And that you would get phone calls once a month, for 15  
18 minutes, correct?

19 A. Correct.

03:28 20 Q. And this was of great concern to you, was it not?

21 A. It was.

22 Q. Now, I'm not going to ask you where you are now. But you  
23 are in a federal -- in federal custody, much closer to your  
24 family, are you not?

25 A. Correct.

1 Q. And you have the ability to see them?

2 A. From time to time.

3 Q. All right. And you have the ability to see your children?

4 A. From time to time.

5 Q. And that was part of your agreement with the government,  
6 that you would be placed closer to your family?

7 A. Correct.

8 Q. And that was very important to you?

9 A. Yes.

03:28 10 Q. And are you also able to make telephone calls to your  
11 family?

12 A. Yes.

13 Q. How often are you able to call?

14 A. As long as I don't spend the amount of minutes granted to  
15 me and have the money to do so.

16 Q. So the -- you get a certain amount of minutes per what?

17 A. Per month.

18 Q. And how many minutes do you get per month?

19 A. 300 minutes per month.

03:29 20 Q. And the phone calls, are they in increments of 15 minutes?

21 A. Yes.

22 Q. So you are able to talk to your family fairly often, are  
23 you not?

24 A. Yes.

25 Q. By the way, are you allowed to use email?

1 A. No.

2 Q. Now, not only were you concerned about not seeing your  
3 children, but you were concerned that your children were going  
4 from one family member to the other when they had been used to  
5 being with your wife or with one person all the time?

6 A. Yes.

7 Q. And how that affected them, correct?

8 A. Correct.

9 Q. And certainly knowing that you would be out in ten years,  
03:29 10 all right -- and, in fact, it's a little under ten years, is it  
11 not, because you served 85 percent of your sentence?

12 A. Yes. You get good time.

13 Q. I'm sorry?

14 A. Good time.

15 Q. Good time. And can you earn any time off your sentence by  
16 working or anything of that nature?

17 A. No, just the good time if I don't get into any sort of  
18 trouble.

19 Q. And you're not getting into any sort of trouble?

03:30 20 A. Hopefully not.

21 Q. You haven't yet?

22 A. No.

23 Q. And you don't plan to?

24 A. No.

25 Q. In fact, your only goal is to get out as fast as you can

1 so you can be with your kids?

2 A. Yes.

3 Q. Your youngest daughter was an infant back in 2006 when you  
4 were last together as a family?

5 A. Yes.

6 Q. So when you get out, she will be what? Ten years old,  
7 nine years old?

8 A. Nine, ten years old.

9 Q. And she will still be young enough so that you can be a  
03:30 10 parent to her?

11 A. Yes.

12 Q. And that's very important to you, is it not?

13 A. Very much so.

14 Q. Now, the other issue -- another issue that was very  
15 important to you in working out this agreement with the  
16 government was the issue of your children being raised as  
17 Muslims, correct?

18 A. Yes.

19 Q. Your parents are not Muslims?

03:31 20 A. No.

21 Q. One of the things that greatly concerns you is that your  
22 children have at times not been in proper Islamic dress; it's  
23 really your daughters?

24 A. As far as the younger one, that doesn't really matter but  
25 the older one.

1 Q. But you were getting pictures, photographs, in which your  
2 children were not in Islamic dress, correct?

3 A. Yes. It wasn't so much the fact they were not in Islamic  
4 dress. It was some of the pictures I got back, the skirts were  
5 a little too high on my nine-year-old for my liking.

6 Q. Okay. So it wasn't so much about whether or not she was  
7 wearing a hijab. It was about that she was wearing skirts that  
8 were too short and that showed too much skin?

9 A. Uh-huh, yes.

03:32 10 Q. And, also, you were very concerned about your children  
11 going to Islamic school as opposed to public school?

12 A. Correct.

13 Q. Now, once you had agreed that you were going to testify,  
14 were there any occasions in which you were allowed to see your  
15 children and your parents at the United States Attorney's  
16 Office?

17 A. I don't know if that was the actual Office of the United  
18 States Attorney.

19 Q. Okay.

03:32 20 A. So --

21 Q. Good point. You were allowed to see your kids -- they  
22 arranged for you to see your children?

23 A. Yes.

24 Q. And you were not seeing them behind glass?

25 A. No.

1 Q. Were you able to hug them?

2 A. Yes.

3 Q. You were able to have them sit on your lap?

4 A. Yes.

5 Q. Talk to you?

6 A. Yes.

7 Q. How long was that for?

8 A. I think, to my best recollection, an hour or more.

9 Q. And how many times has that been arranged for you?

03:33 10 A. That one time was arranged for that special occasion.

11 Other than that, it's by B.O.P. mandated rules.

12 Q. Have you been allowed to call your children at times when  
13 you have not been in custody in a prison? You've been -- do  
14 you understand? You've been transported back and forth to come  
15 to this trial, correct?

16 A. Yes.

17 Q. And have you been allowed to call your children?

18 A. On this occasion?

19 Q. Yes.

03:33 20 A. No.

21 Q. What about our occasions?

22 A. On the first occasion, for the grand jury.

23 Q. By the way, you testified in the grand jury in this case  
24 on November 20, 2008, is that correct?

25 A. Yes.



1 Q. And you were asked in that grand jury about Mr. Mehanna's  
2 trip -- Tarek Mehanna's trip to Yemen, were you not?

3 A. Yes.

4 Q. And you told the grand jury -- you told them about Ahmed  
5 whispering to you in the mosque, "Don't be jealous. Insha'  
6 Allah. You probably will not see me again"?

7 A. Yes.

8 Q. And you were also asked about Tarek, were you not?

9 A. Yes.

03:34 10 Q. And, in fact, you did not -- Tarek said nothing to you  
11 about going to Yemen before he went?

12 A. No.

13 Q. And when he came back -- by the way -- well, strike that.  
14 You weren't even aware that Tarek and Ahmed went anywhere  
15 together, correct?

16 A. At the very beginning, no.

17 Q. And when Tarek came back, he told you that he had gone to  
18 Yemen, right?

19 A. Yes.

03:35 20 Q. And he told you that they had gone to a mosque in Yemen,  
21 and he was surprised that the person in the mosque, the cleric,  
22 gave a sermon about Jihad; do you remember that?

23 A. Yes.

24 Q. And that he was surprised by that because, you know, Yemen  
25 was -- Yemen was basically a police state?

1 A. Yes.

2 Q. He was surprised that someone was so open about this?

3 A. Correct.

4 Q. And then he told you that he went to Dubai, and he was  
5 just sort of disgusted that it was a Muslim country, but there  
6 were women wearing miniskirts and prostitutes and so forth,  
7 correct?

8 A. Correct.

9 Q. And you said nothing to that grand jury about Tarek  
03:36 10 Mehanna telling you he went for military training or to connect  
11 to fight?

12 A. Not to my recollection.

13 Q. Now, the grand jury was a pretty serious occasion, was it  
14 not?

15 A. Yes.

16 Q. And by that, I mean, you weren't sitting in a hotel room,  
17 and the agents weren't sitting on a bed and it wasn't casual,  
18 right?

19 A. No.

03:36 20 Q. It was pretty formal?

21 A. Correct.

22 Q. You were addressed as Mr. Maldonado?

23 A. Yes.

24 Q. And by the way, did the United States attorneys talk to  
25 you before you went into the grand jury?

1 A. Yes.

2 Q. And did they prepare you to testify in the grand jury?

3 A. Correct.

4 Q. And they went over with you what you were going to say in  
5 the grand jury?

6 A. Yes.

7 Q. Now, you said something yesterday. I think it was one of  
8 the first things you said. You were asked -- I think Mr.

9 Groharing asked you why you were here. And you said you were

03:37 10 here because, if you weren't, you would face life in prison and  
11 never see your kids again?

12 A. Correct.

13 MS. BASSIL: And if I could have Exhibit 486, please.

14 And if I could have Page 12.

15 THE COURT: I have no problem with this, but I just  
16 remind you that I don't think it's formally been offered yet.

17 It's been referred to and identified by both sides, but it has  
18 not yet been placed into evidence. Maybe it's not going to be.

19 If you're content to leave it as is, that's fine. I just make  
03:37 20 the note.

21 MS. BASSIL: I can talk to Mr. Groharing afterwards  
22 and make that determination. If we could have Page 12.

23 THE COURT: My point being that I am displaying it to  
24 the jury even though it is not in evidence.

25 MR. GROHARING: I have no objection to you displaying

1 the entire document, your Honor.

2 MS. BASSIL: Well, there needs to be --

3 THE COURT: We can deal with that. It was really a  
4 question of display. That's all I meant to address.

5 MS. BASSIL: If we could display the bottom half of  
6 Page 12, that would be fine.

7 Q. Mr. Maldonado, you can see that?

8 A. Yes.

9 Q. And it says that you understand and agrees that if you  
03:38 10 breach the plea agreement -- and this is as determined by the  
11 United States Attorney's Office, right?

12 A. Yes.

13 Q. For the Southern District of Texas, right?

14 A. Correct.

15 Q. Or the Counterterrorism Section at the Department of  
16 Justice, right?

17 A. Yes.

18 Q. Or any district in the United States, anywhere in the  
19 United States will be free to charge you with any charges,  
03:38 20 right?

21 A. Correct.

22 Q. And so the issue of whether or not you breached the plea  
23 agreement is determined by the prosecutors?

24 A. Yes.

25 Q. Now, you have been very careful to testify to what the

1 prosecution wants you to say, have you not?

2 A. I wouldn't say that.

3 Q. Well, do you recall writing a letter to Tarek Mehanna in  
4 which you were concerned about saying one simple thing wrong?

5 A. I recall writing that, but if I may, my concern -- I'm  
6 concerned about telling the truth. Like, I always make sure to  
7 tell the truth. But I'm not concerned about what somebody  
8 wants to hear.

9 Q. Well, didn't you say, "All I have to do is say one thing,  
03:40 10 one simple thing wrong, and I could have the plea agreement  
11 busted. If I so much as piss off Uncle Sam any more than I  
12 have, such could happen"? Do you remember saying that?

13 A. Yes.

14 Q. By the way, before you pled guilty to this, you didn't  
15 really feel you had done what you were accused of, isn't that  
16 right?

17 A. Well, that was when I didn't really understand the concept  
18 of conspiracy. I was quite ignorant of the rule of law.

19 Q. Well, at that time, do you recall that -- do you recall  
03:41 20 writing to Tarek Mehanna, "I am not what they say I am. Some  
21 guy lied"?

22 A. Yes. That's referring, if I may, to a particular  
23 instance.

24 Q. And that's the instance primarily concerning this issue of  
25 bomb making?

1 A. There's that instance, but there was also an instance  
2 where there's someone saying -- there was a man who once said  
3 that he would become a suicide bomber.

4 Q. Someone accused you of saying that?

5 A. Yeah. Later it would be said that I was the one who said  
6 that I would be a suicide bomber when, in actuality, it was  
7 another gentleman.

8 Q. Now, you also, however -- but you also wrote to Tarek  
9 Mehanna, "This fake justice system, I'm so sick of pretending  
03:41 10 guilty when they come around. Don't get me wrong, though. I'm  
11 not fighting my case or reopening it. Look, bro, do you really  
12 think you or I could prove anything? Do you really think they  
13 don't know the truth? Akhi, they know. Heck, they knew. It's  
14 not about that. They wanted an example so they chose me. I  
15 could face life or play along. I chose to play along. The  
16 only thing that aggravates me is when they speak to me like I'm  
17 guilty to my face. I want to just say, look, you know and I  
18 know what happened. There's no cameras around. Don't  
19 patronize me." That's what you wrote to him?

03:42 20 A. Yes. If I may?

21 Q. Please wait for the next question.

22 A. No problem.

23 Q. Now, Mr. Maldonado, I want to talk a bit about your life,  
24 all right, and the manner in which it intersected with Tarek  
25 Mehanna, all right. But let me start off a little bit to give

1 some background. You grew up in Lawrence, correct?

2 A. I did not grow up --

3 Q. I'm sorry. In your early years, you were born in  
4 Lawrence, I believe?

5 A. I was born in Lawrence.

6 Q. You grew up in New Hampshire?

7 A. Yes.

8 Q. And you met your wife when you were 18, and you married  
9 when you were 19?

03:44 10 A. Correct.

11 Q. And had you converted to Islam by then?

12 A. I believe I converted when I was 20.

13 Q. When you were 20. And you did not know Tarek Mehanna  
14 then --

15 A. No.

16 Q. -- when you converted?

17 Nor you didn't know Ahmad Abousamra?

18 A. No.

19 Q. When you converted, were you living in Derry, New  
03:44 20 Hampshire?

21 A. When I converted, I believe, yes, it was Derry.

22 Q. And you lived in Derry, New Hampshire, from 1997 to about  
23 2000, correct?

24 A. Yes.

25 Q. And after that -- by the way, what did you do for work?

1 A. I actually was in between jobs, but for the most part,  
2 around that time, I was a meat cutter, a butcher.

3 Q. At some point in 2001, did you move to Chicago?

4 A. Yes.

5 Q. Why did you move to Chicago?

6 A. Better Muslim community.

7 Q. And was your son born there, or had he already been born?

8 A. He had already been born. He was born before my  
9 conversion.

03:45 10 Q. And that's your son M [REDACTED]?

11 A. Yes.

12 Q. Was his name M [REDACTED] before you converted?

13 A. No.

14 Q. What was his name before you converted?

15 A. A [REDACTED].

16 Q. When you converted, you changed his name to M [REDACTED]?

17 A. He kind of changed his own name, but that's a whole story  
18 onto itself.

19 Q. What are your daughters names?

03:45 20 A. R [REDACTED] is the older one; S [REDACTED] is the youngest one.

21 Q. And those are Islamic names, are they not?

22 A. Correct.

23 Q. Did your wife change her name as well?

24 A. Neither me or my wife changed our names, but sometimes  
25 people would refer to us as other names.



1 Q. All right. Now, when you moved to Chicago, did you have a  
2 job when you were there?

3 A. Not initially. I was supposed to but some things went  
4 awry, and then I had to go seeking work.

5 Q. And you were in Chicago when September 11th happened,  
6 correct?

7 A. Yes, I was.

8 Q. And you were disappointed and upset when that occurred,  
9 were you not?

03:46 10 A. Yes.

11 Q. Who were you disappointed in?

12 A. In the perpetrators, the people who committed the attacks.

13 Q. In fact, you told your mother you were crushed because  
14 people of all types died, including Muslims?

15 A. Yes.

16 Q. Now, when you -- after September 11th, you felt that you  
17 were not being treated as well because of your Islamic dress,  
18 correct?

19 A. Correct.

03:46 20 Q. And also because of the manner in which your wife dressed  
21 as well, correct?

22 A. Correct.

23 Q. And you moved back to Manchester, New Hampshire, in 2002,  
24 is that correct?

25 A. Yes.

1 Q. And why did you go to Manchester, New Hampshire?

2 A. Financial reasons.

3 Q. Was your family nearby?

4 A. Yes.

5 Q. And were they able to help you?

6 A. Sometimes, yes.

7 Q. Now, how did you support your wife and children once you  
8 moved to New Hampshire?

9 A. I found another job doing meat cutting, as the usual.

03:47 10 Q. Now, at some point when you were living in Manchester, New  
11 Hampshire, did you meet someone who talked to you in a positive  
12 way about Jihad?

13 A. Yes.

14 Q. Who was that?

15 A. That was Ahmad Abousamra.

16 Q. And you had not met Tarek Mehanna at that point?

17 A. No.

18 Q. You became interested in that, did you not?

19 A. Yes.

03:47 20 Q. And, in fact, you would go on the internet to read more  
21 about Islam in general, did you not?

22 A. Yes.

23 Q. And, in fact, to read more about Jihad as well?

24 A. Correct.

25 Q. And there was a website called Clear Guidance?

1 A. Yes.

2 Q. You knew that website?

3 A. I stumbled upon it one time.

4 Q. Right. You found it on your own?

5 A. Yes.

6 Q. Nobody referred you to it?

7 A. No.

8 Q. In fact, at the time that you used to go and look at Clear  
9 Guidance, there was a lot of postings about Jihad, why there  
03:48 10 not?

11 A. When I found Clear Guidance, I actually never had a chance  
12 to look at the postings. I looked at the main page.

13 Q. Well, it was supportive of violent Jihad, was it not?

14 A. Correct.

15 Q. Eventually, was it shut down or it just disappeared?

16 A. Eventually, it was shut down.

17 Q. After Clear -- Clear Guidance was started by this person  
18 that you knew, Sas Jamal?

19 A. Yes.

03:48 20 Q. And, in fact, after Clear Guidance closed down, he started  
21 a forum -- or a website called Islamic Network?

22 A. Yes, much later.

23 Q. And that was the one you went to work for?

24 A. Yes.

25 Q. Now, you had determined that you were interested in the

1 Salafi area of Islam, correct?

2 A. Yes.

3 Q. When did you determine that being a Salafi was what  
4 interested you?

5 A. That was in Chicago.

6 Q. Before you went to Chicago, would you describe yourself as  
7 a Salafi?

8 A. No.

9 Q. And Salafi is a more orthodox interpretation of Islam, is  
03:49 10 it not?

11 A. Yes.

12 Q. You look to the word of the prophet and his companions?

13 A. Correct.

14 Q. And when you were talking about Sufis before, you called  
15 them innovators?

16 A. Yes.

17 Q. And that means that they -- they didn't pay strict  
18 attention to just the words of the prophets and the companions.  
19 They kind of went off on their own and innovated some ideas?

03:49 20 A. Yes.

21 Q. And that those ideas are not found in the Qur'an or in the  
22 Hadiths?

23 A. Correct.

24 Q. They're interpretations that Sufis sort of came up with on  
25 their own?

1 A. Correct.

2 Q. And your feeling is those are not sort of legitimate  
3 interpretations?

4 A. Correct.

5 Q. Sufis also have a reputation of sort of being involved  
6 with sort of mysticism, do they not?

7 A. Correct.

8 Q. Now, who influenced you to become a Salafi?

9 A. It's pretty much my own desire. I met a few people in  
03:50 10 Chicago, but it was something I noticed on my own accord.

11 Q. When you decided to become a Salafi in Chicago, you were  
12 apolitical, is that correct?

13 A. For the most part, yes.

14 Q. When I use the term "apolitical," that means that it  
15 doesn't -- it means that you believe in being a Salafi, but it  
16 has nothing to do with politics or Jihad or anything of that  
17 nature, correct?

18 A. Correct.

19 Q. Although the Qur'an and the Hadiths speak frequently about  
03:51 20 Jihad, do they not?

21 A. Yes.

22 Q. But being a Salafi doesn't mean Salafi-Jihadi, correct?

23 A. Yes.

24 Q. Now, in 2003, you moved --

25 THE COURT: Excuse me. We're at 1:00. If you're

1 moving to another year, we'll move to another day of testimony.

2 MS. BASSIL: That's fine.

3 THE COURT: So, jurors, we'll recess. Enjoy your  
4 weekend. We'll see you Monday morning and continue with the  
5 evidence. We'll be in recess.

6 (Whereupon, at 1:00 p.m. the trial recessed.)

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## C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso  
MARCIA G. PATRISSE, RMR, CRR  
Official Court Reporter

/s/ Cheryl Dahlstrom  
CHERYL DAHLSTROM, RMR, CRR  
Official Court Reporter

Date: November 18, 2011